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FILE NO. 9-96-2 ORDINANCE NO. 201-96

[Street Acceptance]

ACCEPTING THE ROADWAY OF WATERVILLE STREET FROM SILVER AVENUE TO CONKLING STREET, FROM CURB TO CURB FOR MAINTENANCE.

Be it ordained by the people of the City and County of San Francisco:

SECTION 1: Pursuant to Department of Public Works Order No. 169,697 and Charter Section 7.601, the roadway of Waterville Street from Conkling to Silver, including the curbs is hereby accepted for maintenance by the City and County of San Francisco.

RECOMMENDED:

Acting Director of Public Works

DESCRIPTION APPROVED:

for City Engineer

APPROVED AS TO FORM:
LOUISE RENNE, CITY ATTORNEY

By Deputy City Attorney

APPROVED:

Chief Administrative Officer

Supervisor Kennedy

BOARD OF SUPERVISORS

cc

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
May 20, 1996	May 28, 1996
Ayes: Supervisors Alioto Ammiano Bierman Kaufman Kennedy Shelley Teng Yaki	Ayes: Supervisors Ammiano Bierman Hsieh Kaufman Leal Shelley Teng Yaki
Absent: Supervisors Hsieh Leal	Absent: Supervisors Alioto Kennedy

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
9-96-2

MAY 30 1996
Date Approved

Mayor

DOCUMENTS DEPT.

JUN 13 1996

SAN FRANCISCO
PUBLIC LIBRARY

FILE NO. 45-96-22

ORDINANCE NO. 202-96

RO#95189

[AUTHORITY TO SETTLE LAWSUIT]

AUTHORIZING SETTLEMENT OF PERSONAL INJURY CLAIM OF MYCHELLE COLLEARY AGAINST THE CITY AND COUNTY OF SAN FRANCISCO AND ITS EMPLOYEE CHINEDU ELEKWACHI FOR $15,000.00 (FIFTEEN THOUSAND DOLLARS AND NO CENTS), EACH SIDE TO BEAR ITS OWN COSTS AND ATTORNEYS' FEES.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the action entitled "MYCHELLE COLLEARY v. CITY AND COUNTY OF FRANCISCO, ET AL.," San Francisco Superior Court No. 969-275, by the payment of $15,000.00 (Fifteen Thousand Dollars and No Cents), each side to bear its own costs and attorneys' fees.

APPROVED AS TO FORM
AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

BRIAN CAHILL
Director, Department of Social Services

FUNDS AVAILABLE:

EDWARD M. HARRINGTON
Controller

1G-AGF-AAA GE GEN DSS
975026 05311 $15,000

APR 03 1996

APPROVED: in Regular Meeting of March 28, 1996

Laurie Rainey, Secretary
Social Services Commission

LOUISE RAINEY
DSS Commission

BOARD OF SUPERVISORS

cc

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
May 20, 1996	May 28, 1996
Ayes: Supervisors Alioto Ammiano Bierman Kaufman Shelley Teng Yaki	Ayes: Supervisors Ammiano Bierman Hsieh Kaufman Leal Shelley Teng Yaki
Absent: Supervisors Hsieh Kennedy Leal	Absent: Supervisors Alioto Kennedy

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
45-96-22

MAY 30 1996
Date Approved

Mayor

DOCUMENTS DEPT.

JUN 13 1996

SAN FRANCISCO
PUBLIC LIBRARY

FILE NO. 45-96-23

ORDINANCE NO. 203-96

RO#95194

SETTLEMENT OF LAWSUIT

AUTHORIZING SETTLEMENT OF LITIGATION OF TINA PERIERA AGAINST THE CITY AND COUNTY OF SAN FRANCISCO FOR $6,000.00

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the action entitled "Tina Periera v. Kenneth T. Morishita, Gerald T. Ortner, Stephanie Hart, City and County of San Francisco, et al.," San Francisco Superior Court No. 961-877, by the payment of $6,000.00.

APPROVED AS TO FORM
AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:
DEPARTMENT OF PUBLIC WORKS

ANNE BRANSTON
Acting Director

FUNDS AVAILABLE:

EDWARD M. HARRINGTON
Controller

IG-AGF-AAA 97-09-90
975016 05311 $6,000.00
APR 17 1997

APPROVED:

WILLIAM LEE, Chief Administrative Officer

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
May 20, 1996	May 28, 1996
Ayes: Supervisors Alioto Ammiano Bierman Kaufman Shelley Teng Yaki	Ayes: Supervisors Ammiano Bierman Hsieh Kaufman Leal Shelley Teng Yaki
Absent: Supervisors Hsieh Kennedy Leal	Absent: Supervisors Alioto Kennedy

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco.

Clerk

File No.
45-96-23

MAY 30 1996
Date Approved

Mayor

DOCUMENTS DEPT.

JUN 13 1996

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PUBLIC LIBRARY

FILE NO. 45-96-24

ORDINANCE NO. 204-96

RO#95193

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF VIRGINIA MAMARADLO AND MANUEL MAMARADLO AGAINST THE CITY AND COUNTY OF SAN FRANCISCO for $90,000.00.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the action entitled "Virginia Mamaradlo and Manuel Mamaradlo, et al., v. City and County of San Francisco, et al.," Superior Court No. 965-646 by the payment of $90,000.00:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

DEPARTMENT OF PARKING AND TRAFFIC

JOHN NEWLIN
Executive Director

FUNDS AVAILABLE:

EDWARD M. HARRINGTON
Controller

IG-AGF-AAA 97-09-36
975032 05311 $90,000.00

APR 17 1996

APPROVED:

SECRETARY
Parking and Traffic Commission

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
May 20, 1996	$	May 28, 1996
Ayes: Supervisors Alioto Ammiano Bierman Kaufman Shelley Teng Yaki	$	Ayes: Supervisors Ammiano Bierman Hsieh Kaufman Leal Shelley Teng Yaki
Absent: Supervisors Hsieh Kennedy Leal	$	Absent: Supervisors Alioto Kennedy

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-96-24

MAY 30 1996
Date Approved

Mayor

DOCUMENTS DEPT.

JUN 13 1996

SAN FRANCISCO PUBLIC LIBRARY

FILE NO. 45-96-25

ORDINANCE NO. 205-96

RO#95198

(SETTLEMENT OF LAWSUIT)

AUTHORIZING SETTLEMENT OF LITIGATION OF JERRY EUBANK and CHARLES EUBANK AGAINST THE CITY AND COUNTY OF SAN FRANCISCO, FOR A TOTAL OF $55,000.00.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized and directed to settle San Francisco Superior Court Case No. ~~942-764~~ 958-994 entitled "Jerry Eubank and Charles Eubank v. City and County of San Francisco" by payment of $55,000.00 to plaintiff Jerry Eubank and Charles Eubank for a total payment of $55,000.00.

mlr
5/9/96

APPROVED AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

By
PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

FINE ARTS MUSEUM

for
HARRY PARKER
Director

FUNDS AVAILABLE:

CONTROLLER

BOARD OF SUPERVISORS

1G-AGF-AAA 97-09-61
975049 05311 $55,000.00

APR 24 1996

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
May 20, 1996	May 28, 1996
Ayes: Supervisors Alioto Ammiano Bierman Kaufman Shelley Teng Yaki	Ayes: Supervisors Ammiano Bierman Hsieh Kaufman Leal Shelley Teng Yaki
Absent: Supervisors Hsieh Kennedy Leal	Absent: Supervisors Alioto Kennedy

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
45-96-25

MAY 30 1996
Date Approved

Mayor

DOCUMENTS DEPT.

JUN 13 1996

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PUBLIC LIBRARY

FILE NO. 45-96-26 ORDINANCE 206-96

RO#95196

(SETTLEMENT OF LAWSUIT)

AUTHORIZATION OF PARTIAL SETTLEMENT OF LITIGATION OF U.S.A. (DAVIS) V. CITY AND COUNTY OF SAN FRANCISCO, UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA, CONSOLIDATED CASES NOS. C84-1100 MHP, C84-7089 MHP FOR $195,875.99.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to pay a partial settlement of the action entitled "U.S.A. (Davis) v. City and County of San Francisco," United States District Court, Northern District of California, Consolidated cases nos. C84-1100 MHP, C84-7089 MHP, by the payment of $195,875.99.

APPROVED AS TO FORM AND RECOMMENDED

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

FUNDS AVAILABLE:

EDWARD J. HARRINGTON
Controller

IG-AGF-AAA 97-09-31
975024 05311 $195,875.99

APR 22 1996

BOARD OF SUPERVISORS

RECOMMENDED:
SAN FRANCISCO FIRE DEPARTMENT

ROBERT DEMMONS, Chief

APPROVED:
FIRE COMMISSION:

RAYMOND G. CONNORS, JR.
Secretary

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
May 20, 1996	May 28, 1996
Ayes: Supervisors Alioto Ammiano Bierman Kaufman Shelley Teng Yaki	Ayes: Supervisors Ammiano Bierman Hsieh Kaufman Leal Shelley Teng Yaki
Absent: Supervisors Hsieh Kennedy Leal	Absent: Supervisors Alioto Kennedy

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-96-26

MAY 30 1996
Date Approved

Mayor

DOCUMENTS DEPT.
JUN 13 1996
SAN FRANCISCO PUBLIC LIBRARY

FILE NO. 45-96-27

ORDINANCE NO. 207-96

RO#95204

[Settlement of Lawsuit]

AUTHORIZING SETTLEMENT OF LITIGATION OF BARNES CONSTRUCTION CO., INC. AGAINST THE CITY AND COUNTY OF SAN FRANCISCO FOR ~~$15,000.00~~ $15,000.00

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "BARNES CONSTRUCTION COMPANY, INC. v. CITY AND COUNTY OF SAN FRANCISCO, et al.," Superior Court No. 968-676. by the payment of $15,000.00.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

DEPARTMENT OF PUBLIC WORKS

ANN BRANSTON
Acting Director of the Department of Public Works

FUNDS AVAILABLE:

CONTROLLER

1G-AGF-AAA 975016 97-09-90
05311 $15,000.00
MAY 01 1996

APPROVED:

WILLIAM LEE
Chief Administrative Officer

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
May 20, 1996	May 28, 1996
Ayes: Supervisors Alioto Ammiano Bierman Kaufman Shelley Teng Yaki	Ayes: Supervisors Ammiano Bierman Hsieh Kaufman Leal Shelley Teng Yaki
Absent: Supervisors Hsieh Kennedy Leal	Absent: Supervisors Alioto Kennedy

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-96-27

MAY 30 1996
Date Approved

Mayor

DOCUMENTS DEPT.
JUN 13 1996
SAN FRANCISCO PUBLIC LIBRARY

FILE NO. 45-96-28

ORDINANCE NO. 208-96

RO#95207

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF JOSEPH NUGENT AND CATHERINE SCHOOP AGAINST THE CITY AND COUNTY OF SAN FRANCISCO for $13888.85

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "Joseph Nugent & Catherine Schoop v. City and County of San Francisco et al.", Municipal Court No. 118698 by the payment of $13888.85.

APPROVED AS TO FORM:
AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

JOHN NEWLIN, Exec. Dir.
Parking & Traffic Comm.

FUNDS AVAILABLE:

EDWARD M. HARRINGTON
Controller

IG-AGF-AAA 97-09-36
975032 05311 $13,888.85
BOARD OF SUPERVISORS

MAY 01 1996

APPROVED:

SECRETARY
Parking & Traffic Comm.

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
May 20, 1996	May 28, 1996
Ayes: Supervisors Alioto Ammiano Bierman Kaufman Shelley Teng Yaki	Ayes: Supervisors Ammiano Bierman Hsieh Kaufman Leal Shelley Teng Yaki
Absent: Supervisors Hsieh Kennedy Leal	Absent: Supervisors Alioto Kennedy

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
45-96-28

MAY 30 1996
Date Approved

Mayor

DOCUMENTS DEPT.

JUN 13 1996

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PUBLIC LIBRARY

FILE NO. 45-96-29

ORDINANCE NO. 209-96

RO#95206

[SETTLEMENT OF LAWSUIT]

AUTHORIZATION SETTLEMENT OF LITIGATION OF MORLEY SHAPIRO AGAINST THE CITY AND COUNTY OF SAN FRANCISCO FOR $40,000.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the action entitled "MORLEY SHAPIRO v. CITY AND COUNTY OF SAN FRANCISCO, et al.," Superior Court No. 958-035, by the payment of $40,000.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

DEPARTMENT OF PUBLIC WORKS

ANN BRANSTON
Acting Director

FUNDS AVAILABLE:

CONTROLLER

1G-AGF-AAA 97-09-90
975016 05311 $40,000.00

MAY 01 1996

APPROVED:

WILLIAM LEE
Chief Administrative Officer

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading

May 20, 1996

Ayes: Supervisors Alioto Ammiano Bierman Kaufman Shelley Teng Yaki

Absent: Supervisors Hsieh Kennedy Leal

Finally Passed

May 28, 1996

Ayes: Supervisors Ammiano Bierman Hsieh Kaufman Leal Shelley Teng Yaki

Absent: Supervisors Alioto Kennedy

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-96-29

MAY 30 1996
Date Approved

Mayor

DOCUMENTS DEPT.

JUN 13 1996

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PUBLIC LIBRARY

FILE NO. 46-96-7 ORDINANCE NO. 210-96

[Settlement of Lawsuit]

AUTHORIZING SETTLEMENT OF LITIGATION OF THE CITY AND COUNTY OF SAN FRANCISCO AGAINST THE STATE DEPARTMENT OF HEALTH SERVICES, CASE NO. 962-505, FOR APPROVAL OF MEDI-CAL REIMBURSEMENT CLAIMS

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled *City and County of San Francisco v. Department of Health Services*, San Francisco Superior Court No. 962-505, by receiving approvals of Medi-Cal claims for reimbursement for 33 inpatient days, as set forth in the Release and Settlement Agreement on file herein.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: Paula Jesson
Deputy City Attorney

RECOMMENDED:

DEPARTMENT OF PUBLIC HEALTH

SANDRA R. HERNANDEZ, M.D.
Director of Public Health

APPROVED:

HEALTH COMMISSION

Secretary

DEPARTMENT OF PUBLIC HEALTH
BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
May 20, 1996	May 28, 1996
Ayes: Supervisors Alioto Ammiano Bierman Kaufman Shelley Teng Yaki	Ayes: Supervisors Ammiano Bierman Hsieh Kaufman Leal Shelley Teng Yaki
Absent: Supervisors Hsieh Kennedy Leal	Absent: Supervisors Alioto Kennedy

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
46-96-7

MAY 30 1996
Date Approved

Mayor

DOCUMENTS DEPT.
JUN 13 1996
SAN FRANCISCO
PUBLIC LIBRARY

FILE NO. 46-96-8

ORDINANCE NO. 211-96

RO#95210

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF **CITY AND COUNTY OF SAN FRANCISCO V. AVP INVESTMENTS, ET AL.** AND THE CITY'S PURCHASE OF ASSESSOR'S BLOCK 2336, LOT 27, FOR OPEN SPACE FOR $2,340,000.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the eminent domain action entitled City and County of San Francisco v. AVP Investments, San Francisco Superior Court Action No. 963-267, by the payment of $2,340,000 for the condemnation of Assessor's Block 2336, Lot 27 for open space. The Director of Property is hereby authorized to accept fee title to the property by final order of condemnation from the San Francisco Superior Court. All outstanding property taxes, penalties, interest, and costs shall be paid by the property owner as a condition precedent to the City's purchase. Pursuant to Revenue & Taxation Code §4985.2, the Tax Collector is hereby authorized to waive delinquency penalties for the property for the first and second installments of the 1995-1996 tax year. The purchase shall be effected with funds from the San Francisco Park and Open Space Fund (Charter §6.413).

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

ANDREW W. SCHWARTZ
Deputy City Attorney

RECOMMENDED:

RECREATION & PARK DEPARTMENT

MARY E. BURNS
General Manager

FUNDS AVAILABLE:

CONTROLLER

2S-OSP-APR 42-00-00
REC375899 06611 CRP202

REAL ESTATE DEPARTMENT

ANTHONY J. DELUCCHI
Director of Property

DOCUMENTS DEPT
JUN 13 1996
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PUBLIC LIBRARY

cc

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
May 20, 1996	§	May 28, 1996
	§	
	§	
Ayes: Supervisors Alioto Ammiano Bierman Kaufman Shelley Teng Yaki	§	Ayes: Supervisors Ammiano Bierman Hsieh Kaufman Leal Shelley Teng Yaki
	§	
	§	
Absent: Supervisors Hsieh Kennedy Leal	§	Absent: Supervisors Alioto Kennedy
	§	

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
46-96-8

MAY 30 1996
Date Approved

Mayor

FILE NO. 47-96-3 ORDINANCE NO. 212-96

[APPROVING PORTSMOUTH SQUARE PARKING GARAGE LEASE AMENDMENT]
APPROVING A SECOND AMENDMENT TO THE PORTSMOUTH SQUARE PUBLIC PARKING LEASE BETWEEN THE CITY AND COUNTY OF SAN FRANCISCO AND THE SAN FRANCISCO PORTSMOUTH PLAZA PARKING CORPORATION, WHICH PROVIDES FOR QUARTERLY RATHER THAN ANNUAL PAYMENTS OF RENT, AND STRENGTHENS THE CITY'S TERMINATION RIGHTS UNDER THE LEASE.

Be it ordained by the People of the City and County of San Francisco:

Section 1. That the certain Second Amendment to the Portsmouth Square Public Parking Lease between the City and County of San Francisco, through its Recreation and Park Commission, and the San Francisco Portsmouth Plaza Parking Corporation, for the lease of the Portsmouth Square parking garage, a copy of which amendment is on file in the Office of the Clerk of the Board of Supervisors and to which reference is hereby made, is hereby approved.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: _____
Deputy City Attorney

Supervisor Ammiano

BOARD OF SUPERVISORS

N:/GOVERN/SEMBLIDG/RECPARK/PORTSMTH/ORDINC1.DOC April 24, 1996

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
May 20, 1996	May 28, 1996
Ayes: Supervisors Alioto Ammiano Bierman Kaufman Kennedy Shelley Teng Yaki	Ayes: Supervisors Ammiano Bierman Hsieh Kaufman Leal Shelley Teng Yaki
Absent: Supervisors Hsieh Leal	Absent: Supervisors Alioto Kennedy

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No. 47-96-3

MAY 30 1996
Date Approved

_____
Mayor

DOCUMENTS DEPT.
JUN 13 1996
SAN FRANCISCO PUBLIC LIBRARY

FILE NO. 65-96-2.1 ORDINANCE NO. 213-96

(Approval of Lease Agreement)

APPROVAL OF LEASE AGREEMENT BETWEEN CARL ERNST JR. AND PIER 38 MARITIME RECREATION CENTER, INC AND THE CITY AND COUNTY OF SAN FRANCISCO OPERATING BY AND THROUGH THE SAN FRANCISCO PORT COMMISSION FOR A MARITIME RECREATION CENTER AT PIER 38 (ON THE EMBARCADERO BETWEEN TOWNSEND AND BRANNAN STREETS) AND REQUIRING THE PORT OF SAN FRANCISCO TO REPORT BACK TO THE BOARD OF SUPERVISORS REGARDING THE BASE RENT TERMS FOR THE DINING SPACE, AT THE END OF THE TENTH YEAR OF THE PROPOSED LEASE AND ANY REDUCTION IN PERCENTAGE RENTS DURING THE TERM OF THE LEASE, AND REQUIRING CAPITAL IMPROVEMENT EXPENDITURES TO BE MADE ON MARITIME FACILITIES PRIOR TO OR CONTEMPORANEOUS WITH RESTAURANT OR OTHER RELATED RECREATION FACILITIES

Be it ordained by the People of the City and County of San Francisco:

Section 1

The Board of Supervisors finds that:

A. Section 3.581(f) of the City Charter authorizes the San Francisco Port Commission to enter into leases and franchises for the operation of property within its jurisdiction; and

B. Section 7.402-1 of the City Charter authorizes the Board of Supervisors to review and approve by ordinance, the leases of real property entered into by a department, board or commission for a period of time in excess of ten (10) years or having anticipated revenue to the

City and County of San Francisco of one million dollars or more; and

C. On February 13, 1996, the San Francisco Port Commission approved a twenty year, nine month term with three five year options to develop a full service maritime recreation center at Pier 38 with Carl Ernst, Jr. and Pier 38 Maritime Recreation Center, Inc. A copy of Resolution 96-20 is on file with the Clerk of the Board of Supervisors in File No. 65-96-2.1.

D. The Port Commission determined that given the unique nature of the use, and for the reasons set forth in the Memorandum to the Port Commission (a copy of which is on file with the Clerk of the Board of Supervisors in File No. 65-96-2.1), a request for proposals for leasing this property would be impractical and infeasible.

Section 2

NOW THEREFORE BE IT ORDAINED that the Board of Supervisors hereby approves the terms of the lease with Carl Ernst Jr. and Pier 38 Maritime Recreation Center, Inc., and requiring the Port of San Francisco to report back to the Board of Supervisors regarding the base rent terms for the dining space, at the end of the tenth year of the proposed lease and any reduction in percentage rents during the term of the lease; and, be it

ORDAINED, that the Board of Supervisor hereby authorizes the Executive Director of the Port to execute the same on behalf of the Port in substantially the form attached hereto, incorporating the modifications adopted by the Board of Supervisors at the Government Efficiency Committee Hearing of May 14, 1995 relating to capital improvement expenditures.

DOCUMENTS DEPT

JUN 13 1996

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PUBLIC LIBRARY

A copy of the modified lease is on file with the Clerk of the Board of Supervisors in File No. 65-96-2.1.

APPROVED AS TO FORM
Louise Renne
City Attorney

by:

Neil Sekhri
Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
May 20, 1996	May 28, 1996
Ayes: Supervisors Alioto Bierman Kaufman Shelley Teng Yaki	Ayes: Supervisors Alioto Bierman Hsieh Kaufman Kennedy Leal Teng Shelley Yaki
Noes: Supervisors Ammiano Kennedy	Noes: Supervisor Ammiano
Absent: Supervisors Hsieh Leal	

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 65-96-2.1

MAY 30 1996
Date Approved

Mayor

Amendment of the whole
May 14, 1996.

FILE NO. 65-96-6 ORDINANCE NO. 214-96

[Lease of Property]

AUTHORIZING AND APPROVING THE LEASE OF SPACE IN CITY-OWNED PROPERTY AT 100 LARKIN STREET, CONSISTING OF A PORTION OF THE LOWEST FLOOR TO ROBIN BOLEY-ALVAREZ AND FRANCOIS ALVAREZ COMMENCING APRIL 18, 1996.

Be it ordained by the People of the City and County of San Francisco:

Section 1. In accordance with the recommendations of the City Librarian and the Director of Property, as well as the Library Commission by Resolution No. 2052; the Board of Supervisors hereby approves, and authorizes the Mayor and the Clerk of the Board of Supervisors, on behalf of the City and County of San Francisco as landlord to execute, a lease, a copy of which is on file in the office of the Clerk of the Board of Supervisors, commencing on April 18, 1996 with Robin Boley-Alvarez and Francois Alvarez as tenant for approximately 683 square feet consisting of a portion of the lowest level of the new Main Library at 100 Larkin Street, for use as a cafe with associated beverage service. The lease will be modified to provide that the Library Cafe operator may use beer and wine as a part of its catering services for meetings and events where the beer and wine will not be available to the general public in the Main Library, nor where the beer and wine will be consumed in areas frequented by the general public. Upon mutual agreement of tenant and the Director of Property the tenant may also operate satellite coffee carts in other locations at the Main Library property. The lease shall be for a term of approximately three years, terminating June 30, 1999, with one five year option to extend which may be exercised upon mutual agreement of tenant and the Director of

Property. The quarterly rent shall be ten percent (10%) of the gross quarterly sales up to $120,000, and eleven percent (11%) of all gross sales of $120,000 and greater, with a guaranteed minimum base rent of $2,219.75 per month. The quarterly minimum base rent shall be paid in monthly installments of $2,219.75. Janitorial service, pest control, and maintenance of the interior of the premises are the responsibility of the tenant. The tenant will indemnify the City against claims arising out of the tenant's use of the leased premises and will carry insurance satisfactory- to the City's Risk Manager.

Section 2. The Board of Supervisors hereby finds that it is in the best interest of the City, after requesting and considering other proposals from the public, to award and enter into said lease with Robin Boley-Alvarez and Francois Alvarez.

Section 3. The Mayor is hereby authorized to execute, and the Clerk of the Board of Supervisors is hereby authorized to attest and affix the seal of the City thereon, the lease in the form presented to this Board. The Director of Property is hereby authorized in his discretion to exercise the option to extend the term of the lease an additional five years in accordance with the terms of the lease.

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Section 4. All actions authorized by this ordinance and heretofore taken by any City official in connection with said lease are hereby ratified, approved and confirmed by this Board of Supervisors.

RECOMMENDED:

See file for signature on original.

City Librarian

Director of Property

APPROVED AS TO FORM:
Louise H. Renne, City Attorney

By _____
Deputy City Attorney

ab:k\4795\4795ord2.doc

(REAL ESTATE)

BOARD OF SUPERVISORS

cc

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
May 20, 1996	May 28, 1996
Ayes: Supervisors Alioto Ammiano Bierman Kaufman Kennedy Shelley Teng Yaki	Ayes: Supervisors Ammiano Bierman Hsieh Kaufman Leal Shelley Teng Yaki
Absent: Supervisors Hsieh Leal	Absent: Supervisors Alioto Kennedy

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
65-96-6

MAY 30 1996
Date Approved

Mayor

FILE NO. 97-96-18 ORDINANCE NO. 215-96

[Discrimination and Sexual Harassment of City Employees]

AMENDING THE SAN FRANCISCO ADMINISTRATIVE CODE, CHAPTER 12B, SECTIONS 12B.1 AND 12B.2 BY AMENDING THE SECTIONS THERETO TO PROHIBIT DISCRIMINATION AND SEXUAL HARASSMENT OF CITY EMPLOYEES AND MEMBERS OF THE PUBLIC.

NOTE: This section is being amended.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code, Chapter 12B, Sections 12B.1 and 12B.2(a) are hereby amended to read as follows:

Section 12B.1. ALL CONTRACTS TO INCLUDE NONDISCRIMINATION PROVISIONS; DEFINITIONS.

All contracting agencies of the City and County of San Francisco, or any department thereof, acting for or on behalf of the City and County of San Francisco, shall include in all contracts, franchises, leases, concessions or other agreements involving real or personal property, hereinafter negotiated, let, warded, granted, renegotiated, extended or renewed, in any manner or as to any portion thereof, a provision obligating the contractor, franchisee, lessee, concessionaire, or other party of said agreement not to discriminate on the ground or because of race, color, creed, national origin, ancestry, age, sex, sexual orientation, gender identity, disability or Acquired Immune Deficiency Syndrome or AIDS Related Condition (AIDS/ARC), against any employee of, <u>any City and County of San Francisco employee working with, any member of the public having contact with</u>, or applicant for employment with, such contractor, franchisee, lessee or concessionaire, and shall require such contractor, franchisee, lessee or concessionaire to include a similar provision in all subcontracts, or subleases or other subordinate agreements let, awarded, negotiated or entered into thereunder.

(a) Definitions. As used in this Chapter the term: "Age" refers to and shall include any employee or applicant for employment who has attained the age of 40 years and has not attained the age of 65 years. For the purposes of this Section, discrimination because of age shall mean dismissal from employment of, or refusal to employ or rehire any person because of his or her age, if such person has attained the age of 40 years and has not attained the age of 65 years, if the person is physically able and mentally competent to perform the services required. Age limitations of apprenticeship programs in which the State or its

BOARD OF SUPERVISORS SUPERVISOR BIERMAN
TENG, AMMIANO, YAKI, KAUFMAN, SHELLEY

BOARD OF SUPERVISORS SUPERVISOR BIERMAN

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political subdivisions participate shall not be considered discriminatory within the meaning of this Section.

"Contract" shall mean and include an agreement to provide labor, materials, supplies or services in the performance of a contract, franchise, concession or lease granted, let or awarded for and on behalf of the City and County of San Francisco.

"Contractor" means any person or persons, firm, partnership, corporation, or combination thereof, who submits a bid and/or enters into a contract with department heads and officers empowered by law to enter into contracts on the part of the City and County for public works or improvements to be performed, or for a franchise, concession or lease of property, or for goods, services or supplies to be purchased, at the expense of the City and County or to be paid out of moneys deposited in the treasury or out of trust moneys under the control or collected by the City and County.

"Subcontractor" means any person or persons, firm, partnership, corporation or any combination thereof, who enters into a contract or agreement with the contractor to perform a substantial specified portion of the contract for public works, improvements, supplies, goods or services, or for a lease,

franchise or concession, let, granted or awarded for or on behalf of the City and County in accordance with the plans and specifications of such contract. Such term shall include any contractor who enters into a contract with any subcontractor for the performance of 10 percent or more of the subcontract.

"Gender identity" shall mean a person's various individual attributes as they are understood to be masculine and/or feminine.

"Subcontract" shall mean and include an agreement or contract under or subordinate to a prime contract, franchise, lease, or concession granted, let or awarded for or on behalf of the City and County of San Francisco.

"Concession" includes a grant of land or other property by or on behalf of the City and County of San Francisco to a person for the purpose or use specified in said grant.

"Concessionaire" shall mean and include a person who is the grantee or beneficiary of a concession as herein defined.

"Franchise" shall mean and include a right or privilege conferred by grant from the City and County of San Francisco, or any contracting agency thereof, and vested in and authorizing a person to conduct such business or engage in such activity as is specified in said grant.

"Franchisee" shall mean and include a person who is the grantee or beneficiary of a franchise as herein defined.

"Lease" shall mean and include a contract by which the City and County of San Francisco, or any contracting agency thereof, grants to a person the temporary possession and use of property, for reward, and the latter agrees to return the same to the former at a future time.

"Lessee" shall mean and include a person or tenant taking possession of property under a lease as herein provided, and further included a bailee under a bailment agreement providing a rental for personal property.

"Sublease" shall mean and include a lease by which a lessee or tenant grants or lets to another person part or all of the leased property for a shorter term and under which said lessee or tenant retains some right or interest under the original lease.

"Sex" shall mean the character of being male or female.

"Sexual orientation" shall mean the choice of human adult sexual partner according to gender.

"Disability" is a physical or mental impairment which substantially limits one or more major life activities, is regarded as having such an impairment, or has a record of such an impairment.

"Qualified Disabled Employee" shall mean a person able to perform the essential functions of a job with reasonable accommodation.

"Supplier" means any person or persons, firm, partnership, corporation, or any combination thereof, who submits a bid or enters into a contract with the awarding agency of the City and County, or who submits a bid or enters into a contract with any contractor, subcontractor, lessee, sublessee, franchisee or concessionaire engaged in the performance of a contract let, awarded or granted by or on behalf of the City and County, for the supplying of goods, materials, services, equipment or furnishings. (Amended by Ord. 489-86, App. 12/18/86; Ord. 433-94, App. 12/30/94)

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Section 12B.2. NONDISCRIMINATION PROVISIONS OF CONTRACT.

Every contract or subcontract for or on behalf of the City and County of San Francisco, as provided in Section 12B.1 hereof, shall contain the provisions following which shall be known as the nondiscrimination provisions of such contract.

In the performance of this contract, the contractor, subcontractor or supplier agrees as follows:

(a) Wherever the work is performed or supplies are manufactured in the United States, the contractor, subcontractor or supplier will not discriminate against any employee, City and County employee working with, member of the public, or applicant for employment because of race, color, religion, ancestry, national origin, age, sex, sexual orientation, gender identity, disability or AIDS/ARC. Discrimination on the basis of sex includes sexual harassment as defined in Section 16.9-25(b) of this Code. The contractor, subcontractor or supplier will take affirmative action to ensure that applicants are employed, and that employees are treated equally during employment, without regard to their race, color, religion, ancestry, national origin, age, sex, sexual orientation, gender identity, disability or AIDS/ARC. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rate of pay or other forms of compensation; and selection for training, including apprenticeship. Nothing in this ordinance shall require or prohibit the establishment of new classifications of employees in any given craft. The provisions of this Section with respect to age shall not apply to (1) termination of employment because of the terms or conditions of any bona fide retirement or pension plan, (2) operation of the terms of conditions of any bona fide retirement or pension plan which has the effect or a minimum service requirement, (3) operation of the terms or conditions of any bona fide group or insurance plan. The contractor, subcontractor or supplier agrees to post in conspicuous places, available to employees and applicants or employees and applicants for employment, notices in such form and content as shall be furnished or approved by the awarding authority setting forth the provisions of this Section.

(b) Except as in this Section provided or in cases where the law compels or provides for such action any provisions in any contract agreement or undertaking entered into on or after the effective date of this Chapter which prevent or tend to prevent

the employment of any person solely by reason of his or her age, who has attained the age of 40 years and has not attained the age of 65 years shall be null and void.

(c) The contractor, subcontractor or supplier shall provide reasonable accommodation for qualified applicants for employment and for qualified disabled employees. Said contractor, subcontractor or supplier need not provide reasonable accommodation if such would present an undue hardship. An undue hardship may include but not be limited to de minimus cost, violation of the seniority rights of other co-workers as established by a bona fide seniority system, or would present a health or safety risk to the employee or co-employees. The burden of establishing an undue hardship rests on the employer.

(d) The contractor, subcontractor or supplier will in all solicitations or advertisements for employees placed by or on his or her behalf, state that qualified applicants will receive consideration for employment without regard to race, creed, color, ancestry, national origin, age, sex, sexual orientation, gender identity, or disability. Any solicitations or advertisements that satisfy similar requirements under federal law, subject to the

approval of the awarding authority, will also satisfy this requirement.

(e) The contractor, subcontractor or supplier will send to each labor union or representative of workers with which he or she has a collective bargaining agreement or other contract or understanding, a notice, in such form and content as shall be furnished or approved by the awarding authority, advising the said labor union of workers' representative of the contractor's, subcontractor's or supplier's commitments under this Section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(f) The contractor, subcontractor or supplier will permit access to his records of employment, employment advertisements, application forms, and other pertinent data and records by the awarding authority, the Fair Employment Practices Commission or the San Francisco Human Rights Commission, for the purposes of investigation to ascertain compliance with the nondiscrimination provisions of this contract, and on request provide evidence that he or she has or will comply with the nondiscrimination provisions of this contract.

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(g) That contractor, subcontractor or supplier shall be deemed to have breached the nondiscrimination provisions of this contract upon:

(1) A finding by the director of the San Francisco Human Rights Commission, or such other official who may be designated by the Human Rights Commission, that contractor, subcontractor, or supplier has wilfullly violated such nondiscrimination provisions; or

(2) A finding by the Fair Employment Practices Commission of the State of California that a contractor, subcontractor or supplier has violated any provision of the Fair Employment Practices Act of California or the nondiscrimination provisions of this contract; provided, that the Fair Employment Practices Commission has issued a final order pursuant to Section 1426 of the Labor Code, or has obtained a final injunction pursuant to Section 1429 of the Labor Code; provided further, that for the purposes of these provisions, an order or injunction shall not be considered final during the period within which (1) appeal may be taken, or (2) the same has been stayed by order of court, or (3) further proceedings for vacation, reversal or modification are in progress before a competent administrative or judicial tribunal.

(3) Upon such finding by the Director of the Human Rights Commission, or other official designated by the Human Rights Commission, or the Fair Employment Practices Commission, the awarding authority shall notify the contractor, subcontractor or supplier that unless he or she demonstrates to the satisfaction of the Director of the San Francisco Human Rights Commission, or other official designated by the Human Rights Commission, within such reasonable period as the Human Rights Commission shall determine, that the violation has been corrected, action will be taken as set forth in Subparagraph (h) and (i) hereof.

(4) The Human Rights Commission shall, within ten days of the date of issuance of any finding by the Director of the Human Rights Commission or other official designated by the commission in the enforcement of this chapter, mail to any person or persons affected by said finding, a copy of said finding, together with written notice of his right to appeal. Notice of appeal must be filed in writing with the chairman of the Commission within 20 days of the date of mailing said copy and notice.

(5) For purpose of appeal proceedings under this Section, a quorum shall consist of eight members of the Commission. The vote of the majority of the full Commission shall be necessary to

affirm reverse or modify such decisions, order or other action rendered hereunder. Should a member of the Human Rights Commission be designated under Section 12B.2(f)(1) of this contract, that commissioner may not participate in an appeal under this Section except as a witness.

(6) The presiding officer of the Commission shall have the power to administer oaths to witnesses in appeals before the commission under this Section. In the event that any person shall fail or refuse to appear as a witness in any such proceeding after being requested to do so, and if it shall appear to the Commission that his or her testimony, or books, records, documents or other things under his or her control are material and relevant as evidence in the matter under consideration by the Commission in the proceeding, the presiding officer of the Commission may subpoena such person, requiring his or her presences at the proceeding, and requiring him or her to bring such books, records, documents or other things under his or her control.

(7) All appeals to the Human Rights Commission shall be open to the public. Records and minutes shall be kept of such proceedings and shall be open to public inspection. Upon reaching a decision in any appeal, the Commission shall give written notice

thereof to the Director of the Human Rights Commission, or other official designated by the Human Rights Commission, and the appellant or appellants. The decision of the Commission shall be final unless within 15 days of the filing and service of written notice thereof appropriate legal proceedings are filed in a court of competent jurisdiction by any party to this contract.

(8) If any contractor, subcontractor or supplier under contract to the City and County of San Francisco shall fail to appear at an appeal proceeding of the Commission after having been given written notice to appear, such failure to appear shall be grounds for cancellation of the contract or subcontract and such contractor, subcontractor or supplier shall be deemed to have forfeited all rights, benefits and privileges thereunder.

(9) The Human Rights Commission of San Francisco shall promulgate rules and regulations for the implementation of the nondiscrimination provisions of this contract, and such rules and regulations shall, so far as practicable, be similar to those adopted in applicable federal executive orders.

(h) There may be deducted from the amount payable to the contractor, subcontractor or supplier by the City and County of San Francisco under this contract a penalty of $50 for each person

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for each calendar day during which such person was discriminated against in violation of the provisions of this contract. In addition to any other penalties herein provided for the violation of the nondiscrimination provisions of this contract or for the failure of any contractor, subcontractor or supplier to abide by the rules and regulations herein contained, this contract may be forthwith cancelled, terminated or suspended, in whole or in part, by the contracting agency upon the basis of a finding as set forth in Section 12B.2(f) that the contractor, subcontractor or supplier has discriminated contrary to the provisions of this contract, and all moneys due or to become due hereunder may be forfeited to, and retained by, the City and County of San Francisco.

(i) A breach of the nondiscrimination provisions in the performance of this contract shall be deemed by the City and County of San Francisco to be material breach of contract and basis for determination by the officer, board or awarding authority responsible for the awarding or letting of such contract that the contractor, subcontractor or supplier is an irresponsible bidder as to all future contracts for which such contractor, subcontractor or supplier may submit bids. Such person, firm or corporation shall not for a period of two years thereafter, or

until he shall establish and carry out a program in conformity with the nondiscrimination provisions of this contract, be allowed to act as a contractor, subcontractor or supplier under any contract for public works, goods or services for or on behalf of the City and County of San Francisco.

(j) Nothing contained in this contract shall be construed in any manner so as to prevent the City and County of San Francisco from pursuing any other remedies that may be available at law.

(k) Nothing contained in this contract shall be construed in any manner so as to require or permit the hiring of aliens on public works as prohibited by law.

(l) The contractor, subcontractor or supplier will meet the following standards for affirmative compliance:

(1) If the contractor, subcontractor or supplier has been held to be an irresponsible bidder under Section 12B.2(i) hereof, he or she shall furnish evidence that he or she has established and is carrying out a program in conformity with the nondiscrimination provisions of this contract.

(2) The contractor, subcontractor or supplier may be required to file with the Human Rights Commission a basic

compliance report, which may be a copy of the federal EEO-1, or a more detailed report as determined by the Commission. Wilful false statements made in such reports shall be punishable as provided by law. No contractor, subcontractor or supplier shall be held in nonconformance for not filing such a report with the Human Rights Commission unless he or she has been specifically required to do so in writing by the Human Rights Commission.

(3) Personally, or through his or her representatives, the contractor, subcontractor or supplier shall, through negotiations with the unions with whom he or she has collective bargaining or other agreements requiring him or her to obtain or clear his or her employees through the union, or when he or she otherwise uses a union as an employment resource, attempt to develop an agreement which will:

(A) Define and outline responsibilities for nondiscrimination in hiring, referral, upgrading and training;

(B) Otherwise implement an affirmative antidiscrimination program in terms of the unions' specific areas of skill and geography, such as an apprenticeship program, to the end that minority workers will be available and given an equal opportunity for employment.

(4) The contractor, subcontractor supplier or trade association shall notify the contracting agency of opposition to the nondiscrimination provisions of this contract by individuals, firms or organizations during the term of this contract. (Amended by Ord. 489-86, App. 12/18/86; Ord. 84-87, App. 3/20/87; Ord. 433-94, App. 12/30/94)

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: JOHN I. KENNEDY
Deputy City Attorney

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Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
May 20, 1996	$	May 28, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano Bierman Kaufman Kennedy Shelley Teng Yaki	$	Ayes: Supervisors Ammiano Bierman Hsieh Kaufman Leal Shelley Teng Yaki
	$	
	$	
Absent: Supervisors Hsieh Leal	$	Absent: Supervisors Alioto Kennedy

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco.

Clerk

File No.
97-96-18

MAY 30 1996
Date Approved

Mayor

5/15/96 - Amendment of the Whole

FILE NO. 97-96-26

ORDINANCE NO. 216-96

[Settlement of Airport Claims and Legal Proceedings]

AMENDING CHAPTER 10, ARTICLE II, OF THE SAN FRANCISCO ADMINISTRATIVE CODE, BY ADDING SECTIONS 10.25-10 and 10.25-11 THERETO, AUTHORIZING THE AIRPORTS COMMISSION UPON THE RECOMMENDATION OF THE CITY ATTORNEY TO SETTLE OR DISMISS ANY LEGAL PROCEEDING INVOLVING: (1) A CONSTRUCTION CONTRACT; OR (2) PROPERTY OR MATTER UNDER THE AIRPORTS COMMISSION JURISDICTION UNRELATED TO A CONSTRUCTION CONTRACT WHICH DOES NOT EXCEED $100,000; AND ALSO AUTHORIZING THE CITY ATTORNEY, WITH THE CONSENT OF THE AIRPORTS COMMISSION, TO SETTLE OR DISMISS AIRPORT CLAIMS OR DEMANDS INVOLVING: (1) A CONSTRUCTION CONTRACT; OR (2) PROPERTY OR MATTER UNRELATED TO A CONSTRUCTION CONTRACT WHICH DOES NOT EXCEED $100,000.

Note: All language is new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Chapter 10, Article II, of the San Francisco Administrative Code is hereby amended by adding Sections 10.25-10 and 10.25-11 thereto to read as follows:

SEC. 10.25-10. AIRPORTS COMMISSION LEGAL PROCEEDINGS

Notwithstanding any other provision of the Administrative Code, the Airports Commission is authorized to settle, dismiss or compromise any legal proceeding, including, but not limited to, any litigation or adjudicatory or enforcement proceeding before a court, administrative body, federal, state or local enforcement body, hearing officer or arbitrator, brought for or against the City which involves: (1) any Airport construction contract; or (2) any property or matter under the jurisdiction of the Airports Commission unrelated to a construction contract in which the total monetary amount, if any, does not exceed $100,000, but only upon the recommendation of the City Attorney.

SEC. 10.25-11. AIRPORTS COMMISSION UNLITIGATED CLAIMS

Notwithstanding any other provision of the Administrative Code, the City Attorney, with the consent of the Airports Commission, is authorized to settle, dismiss or compromise unlitigated claims or demands which involve: (1) any Airport construction contract; or (2) any property or matter unrelated to a construction contract in which the total monetary amount, if any, does not exceed $100,000.

Section 2. This ordinance shall take effect on July 1, 1996.

Approved as to Form

Louise H. Renne, City Attorney

By: [signature]
Deputy City Attorney

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Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
May 20, 1996	$	May 28, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano Bierman Kaufman Kennedy Shelley Teng Yaki	$	Ayes: Supervisors Ammiano Bierman Hsieh Kaufman Leal Shelley Teng Yaki
	$	
Absent: Supervisors Hsieh Leal	$	Absent: Supervisors Alioto Kennedy

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
97-96-26

MAY 30 1996
Date Approved

Mayor

Amendment of the Whole
In Committee 5/20/96

FILE NO. 121-96-8

ORDINANCE NO. 217-96

[Home Delivery Services]

AMENDING ARTICLE 33 OF THE SAN FRANCISCO MUNICIPAL CODE (POLICE CODE) BY ADDING SECTION 3305.1 THERETO, MAKING IT UNLAWFUL TO REFUSE HOME DELIVERY SERVICES TO A RESIDENTIAL ADDRESS LOCATED WITHIN THE BUSINESS' NORMAL DELIVERY RANGE, WITH SPECIFIED EXCEPTIONS.

Note: All language is new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Article 33 of the San Francisco Municipal Code (Police Code) is hereby amended by adding Section 3305.1 thereto, to read as follows:

SEC. 3305.1. HOME DELIVERY SERVICES.

(a) It shall be unlawful for any person or business entity to refuse to provide home delivery services to any residential address within the City and County of San Francisco falling within that person's or business entity's normal service range.

(b) For purposes of this section, "home delivery services" shall mean the delivery of merchandise to residential addresses, when such services are regularly advertised or provided by any person or business entity.

(c) For purposes of this section, a person or business entity's "normal service range" shall be defined as a circular geographic area, with its center at the location from which the

delivery service is provided, and with a radius defined by an imaginary line drawn between the center and the most distant point to which the person or business entity provides home delivery services. Where a person or business entity regularly advertises or provides home delivery services to the entire City and County, that person or business entity's "normal service range" shall be defined by the geographic boundaries of the City and County.

(d) Notwithstanding any other provision of this section, it shall not be unlawful for a person or business entity to refuse to provide home delivery services to a residential address if the occupants at that address have previously (i) refused to pay in full for services provided to them by that person or business entity; or (ii) threatened or inflicted violence upon delivery personnel used by that person or business entity.

APPROVED AS TO FORM:
LOUISE H. RENNE, City Attorney

By: Thomas J. Owen
THOMAS J. OWEN
Deputy City Attorney

(N \GOVERN\OWEN\DELIVERY DOC AMENDMENT OF THE WHOLE 05/20/96)

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Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
May 20, 1996	$	May 28, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano	$	Ayes: Supervisors Alioto Ammiano
Bierman Kaufman Kennedy Shelley	$	Bierman Hsieh Kaufman Kennedy
Teng Yaki	$	Leal Shelley Teng Yaki
	$	
Absent: Supervisors Hsieh Leal	$	

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
121-96-8

MAY 30 1996

Date Approved

Mayor

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(2 copies of all Leg.)

FILE NO. 101-95-78 ORDINANCE NO. 218-96

(Government Funding) RO#95200 SA#93

RESCINDING $503,467 OF MENTAL HEALTH PROFESSIONAL SERVICES AND APPROPRIATING $117,638 TO SALARIES AND FRINGE BENEFITS FOR THE CREATION OF EIGHTEEN (18) FULL TIME EQUIVALENT POSITIONS AT MENTAL HEALTH, AND TRANSFERRING AND APPROPRIATING $308,726 FOR SAN FRANCISCO GENERAL HOSPITAL FOR SALARIES, FRINGE BENEFITS, NON PERSONAL SERVICES, MATERIALS AND SUPPLIES AND EQUIPMENT PURCHASE FOR THE CREATION OF TWO HUNDRED AND TWENTY TWO (222) FULL TIME EQUIVALENT POSITIONS FOR THE OPERATION OF THE MENTAL HEALTH REHABILITATION FACILITY FOR FISCAL YEAR 1995-96.

Be il ordained by the people of the City and County of San Francisco

Section 1. Funds are hereby appropriated for FY 1995-1996 as follows

Department and Number	Source of Funds and Purpose of Appropriation	Amount Debit	Amount Credit
1G-AGF-AAA	**General Fund**		
HM - HMH	Public Health - Mental Health		
021-02700 HMHMCC731109	Professional Services	$503,467	
910-0935H HMAGFAAA935H	OTO to 5H-AAA-AAA -S F. General Hospital Operating Fund, 86-00-00		$308,726
001-00100 HMHMLT730416	Permanent Salaries - Misc.		$6,218
001-00400 (HMHMLT730416)	Permanent Salaries - Nurses		$2,249
013-01904 (HMHMLT730416)	Fringe Benefits		$1,822
027-02700 (HMHMLT730416)	Professional Services		$184,452
	Total General Fund	$503,467	$503,467
5H-AAA-AAA	**SFGH - Operating Fund**		
HG-HGH	SF General Hospital		
091-9301G HGAAAHMH301G	OTI from 1G-AGF-AAA, General Fund, Mental Health	$308,726	
001-00100 (HGH6PMH41000)	Permanent Salaries - Misc.		$57,894
001-00400 (HGH6PMH41000)	Permanent Salaries - Nurses		$26,821
001-00900 (HGH6PMH41000)	Premium Pay - Nurses		$287
013-01901 (HGH6PMH41000)	Fringe Benefits		$22,348
021-02200 (HGH6PMH41000)	Training		$2,083
021-02800 (HGH6PMH41000)	Maintenance Svcs.-Bldgs. & Improvements		$105,000
021-03200 (HGH6PMH41000)	Utilities		$25,000
021-03551 (HGH6PMH41000)	Other Current Expenses		$125
040-04000 (HGH6PMH41000)	Materials and Supplies		$47,500

BOARD OF SUPERVISORS

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Department and Number	Source of Funds and Purpose of Appropriation	Amount Debit	Amount Credit
060-06000 (HGH6PMH41000)	Equipment Purchase		$21,668
	Total 5H-AAA-AAA	$308,726	$308,726

Section 2 Funds are appropriated for the creation of Two Hundred Forty (240) full time equivalent positions by amendment to the Annual Salary Ordinance (Board of Supervisors File No. 102-95-14) as follows:

Class No.	Classification Title	Rate	No. of FTE Positions Created
San Francisco General Hospital			
Administration / House Coverage: Index Code: HGH6PMH41000, Sub-Object 00101:			
AB18 N	MH Treatment Specialist	1484B1800	13.04
AB23 N	MH Program Manager	3126B3799	1.00
AB19 N	Team Leader	1477B1791	25.32
AB20 N	MH Rehabilitation Worker	834B1008	54.01
AB21 N	Dual Diagnosis Specialist	1580B1918	2.00
1244 N	Senior Personnel Analyst	1881B2287	0.50
1404 N	Clerk	984B1191	2.00
1426 N	Senior Clerk Typist	1120B1355	2.00
1428 N	Unit Clerk	1191B1443	6.00
1827 N	Adm. Service Manager	1871B2274	1.00
2110 N	Medical Records Clerk	1158B1401	1.00
2112 N	Medical Records Technician	1304B1580	1.00
2305 N	Psychiatric Technician	1381B1674	27.01
2312 N	Licensed Voc. Nurses	1362B1650	1.00
2548 N	Occupational Therapist	1818B2209	1.00
2574 N	Clinical Psychologist	2014B2449	0.50
2576 N	Neuro Supv. Psychologist	2104B2557	0.50
2586 N	Health Worker II	1114B1349	15.00
2593 N	Health Prog. Coord. III	1890B2297	1.00
2930 N	Psych. Social Worker	1740B2115	5.00
2932 N	Sr. Psych. Social Worker	1818B2209	1.00
Sub-Object: 00401 (Nurses):			
2320 N	Registered Nurse	1981B2317	19.23
2322 N	Head Nurse	2401B3096	1.00
2323 N	Clinical Nurse Specialist	2472B3095	1.00
2326 N	Nursing Director	2571B3413	1.00
SFGH Medical Staff. Index Code: HGH6PMH4100, Sub-Object: 00101:			
2230 N	Physician Specialist (Internist)	3064B3724	0.50
SFGH Medical Staff. Index Code: HGH6PMH4100, Sub-Object: 00401:			
2328 N	Nurse Practitioner	2230B2792	0.50

Class No.	Classification Title	Rate	No. of FTE Positions Created
Support Services:			
Index Code. HGH6PMH41000. Sub-Object: 00101:			
1220 N	Payroll Clerk	1261B1528	0 50
1404 N	Clerk (Messenger)	984B1191	1 00
1652 N	Senior Accountant	1436B1740	1 00
7334 N	Stationery Engineer	1450B1756	2 00
7342 N	Locksmith	1658B2014	1 00
2736 N	Porter	1027B1243	14 00
2740 N	Porter Supervisor	1243B1506	1 00
8202 N	Security Guard	979B1185	5.00
1450 N	Executive Secretary	1349B1634	1 00
2604 N	Food Service Worker	925B1120	7 50
2618 N	Food Service Supervisor	1109B1342	1 00
2619 N	Sr. Food Service Supervisor	1220B1477	1 00
2624 N	Dietitian	1588B1927	1.00
2654 N	Cook	1232B1491	1.00
	Grand Total - SFGH Positions Created		222.11
Mental Health - Substance Abuse Services			
Medical Staff (DMSF)			
Index Code HMHMLT0019AI. Sub-Object -00101:			
2230 N	Phy Specialist (Internist/Psych.	3064B3724	2 00
2232 N	Sr Phy. Specialist (Medical Dr.	3378B4106	1.00

Class No.	Classification Title	Rate	No. of FTE Positions Created
Mental Health System Support:			
Index Code. HMHMLT0019AI. Sub-Object 00401.			
2320 N	Registered Nurse	1981B2317	1 00
2409 N	Pharmacy Technician	1513B1835	0 50
2454 N	Clinical Pharmacist	2319B2819	0.50
2575 N	Research Psychologist	2166B2632	1 00
2910 N	Social Worker	1261B1528	1 00
2930 N	Psychologist Social Worker	1740B2115	5.00
9924 N	Public Service Aide	890B890	6.00
	Grand Total - Mental Health Positions Created		18.00

Grand Total Positions Created for San Francisco General Hospital and Mental Health-Substance Abuse Services: 240.11

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY _____
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:
EDWARD M HARRINGTON
CONTROLLER

BY _____

DEPARTMENT OF HUMAN RESOURCES

BY _____
DIRECTOR

n \excel\spproj\87sa#93

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Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
May 28, 1996	$	June 3, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano	$	Ayes: Supervisors Alioto Ammiano
Bierman Hsieh Kaufman Kennedy	$	Bierman Brown Hsieh Katz Kaufman
Leal Shelley Teng Yaki	$	Leal Shelley Yaki
	$	
	$	Absent: Supervisor Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John Taylor
Clerk

File No.
101-95-78

JUN - 7 1996
Date Approved

Mayor

FILE NO. 101-95-79 ORDINANCE NO. 219-96

(Government Funding) RO#95202

SA#92

AMENDING THE 1995-96 ANNUAL APPROPRIATION ORDINANCE BY APPROPRIATING $357,249 OF AB 818 STATE LOAN REVENUE FOR SALARIES, FRINGE BENEFITS AND EQUIPMENT PURCHASE FOR THE CREATION OF SIX (6) POSITIONS FOR STAFF SUPPORT AT THE ASSESSOR'S OFFICE FOR THE FIRST YEAR OF A THREE-YEAR PROJECT TO REDUCE THE ASSESSMENT BACKLOG.

Be it ordained by the people of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for FY 1995-96 as follows:

Department and Number	Source of Funds and Purpose of Appropriation	Amount Debit	Amount Credit
1G-AGF-ACP	General Fund - Continuing Project		
UN-UNA	General Fund Unallocated		
400-44929 (995031)	Misc. Subventions	$357,249	
AS-ASR	Assessor		
XXXXXX	Property Tax Admin. Loan Program - Staff		
001-00101 (020008)	Permanent Salaries		$279,413
013-01901 (020008)	Mandatory Fringe Benefits		$61,471
060-06000 (020008)	Equipment		$16,365
	Total	$357,249	$357,249

Section 2. Funds are appropriated for the creation of Six (6) positions by amendment to the Annual Salary Ordinance (Board of Supervisors File No. 102-95-20) as follows:

Class No.	Classification Title	Rate	Number of Positions Created
Index Code: 020008, Sub Object: 00101			
4265 N	Senior Appraiser	1827B2221	1
4261 N	Appraiser	1506B1827	2
4220 N	Auditor	1506B1827	2
4203 N	Senior Assessment Clerk	1158B1401	1
	Total Positions Created		6

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY _____
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE
EDWARD M. HARRINGTON
CONTROLLER

BY _____

DEPARTMENT OF HUMAN RESOURCES

BY _____
DIRECTOR

n:\misc\approp\02sa#92

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Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
May 28, 1996	§	June 3, 1996
	§	
	§	
Ayes: Supervisors Alioto Ammiano	§	Ayes: Supervisors Alioto Ammiano
Bierman Hsieh Kaufman Kennedy	§	Bierman Brown Hsieh Katz Kaufman
Leal Shelley Teng Yaki	§	Leal Shelley Yaki
	§	
	§	Absent: Supervisor Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
101-95-79

JUN - 7 1996
Date Approved

Mayor

FILE NO. 102-95-19 ORDINANCE NO. 220-96

PUBLIC EMPLOYMENT SAL. ORD. AMEND. NO 15

AMENDING ORDINANCE NO. 256-95 (ANNUAL SALARY ORDINANCE, 1995/96) REFLECTING THE CREATION OF EIGHTEEN (18) POSITIONS AT MENTAL HEALTH-SUBSTANCE ABUSE SERVICES, AND TWO HUNDRED TWENTY-TWO (222) POSITIONS AT SAN FRANCISCO GENERAL HOSPITAL FOR THE OPERATION OF THE MENTAL HEALTH REHABILITATION FACILITY FOR FISCAL YEAR 1995-96

Be it ordained by the people of the City and County of San Francisco:

Section 1. The hereinafter designated section and items of Ordinance No 256-95 (Annual Salary Ordinance, 1995/96) are hereby amended so that the same shall read as follows:

Department and Number	Source of Funds and Purpose of Appropriation
511-AAA-AAA HGH6PMH141000 00101	SFGH Operating Fund Administration/House Coverage Permanent Salaries- Misc.

(Amendment)	No. Pos.	Class and Item No.	Class Title	Compensation Schedule
13.04 Added	13.04	AB18 N	Mental Health Treatment Specialist	SC 1484B1800
25.32 Added	25.32	AB19 N	Team Leader	SC 1477B1791
54.01 Added	54.01	AB20 N	MH Rehabilitation Worker	SC 834B1008
2.00 Added	2.00	AB21 N	Dual Diagnosis Specialist	SC 1580B1918
1.00 Added	1.00	AB23 N	MH Program Manager	SC 3126B3799
0.50 Added	0.50	1244 N	Senior Personnel Analyst	SC 1881B2287
2.00 Added	2.00	1404 N	Clerk	SC 984B1191
2.00 Added	2.00	1426 N	Senior Clerk Typist	SC 1120B1355
6.00 Added	6.00	1428 N	Unit Clerk	SC 1191B1443
1.00 Added	1.00	1827 N	Adm. Service Manager	SC 1871B2274
1.00 Added	1.00	2110 N	Medical Records Clerk	SC 1158B1401

FILE NO _____ ORDINANCE NO. _____

1.00 Added	1.00	2112 N	Medical Records Technician	SC 1304B1580
27.01 Added	27.01	2305 N	Psychiatric Technician	SC 1381B1674
1.00 Added	1.00	2312 N	Licensed Voc. Nurse	SC 1362B1650
1.00 Added	1.00	2548 N	Occupational Therapist	SC 1818B2209
0.50 Added	0.50	2574 N	Clinical Psychologist	SC 2014B2449
0.50 Added	0.50	2576 N	Neuro Supv. Psychologist	SC 2104B2557
15.00 Added	15.00	2586 N	Health Worker II	SC 1114B1349
1.00 Added	1.00	2593 N	Health Prog. Coord. III	SC 1890B2297
5.00 Added	5.00	2930 N	Psych. Social Worker	SC 1740B2115
1.00 Added	1.00	2932 N	Sr. Psych. Social Worker	SC 1818B2209

00401 Permanent Salaries - Nurses

19.23 Added	19.23	2320 N	Registered Nurse	SC 1981B2317
1.00 Added	1.00	2322 N	Head Nurse	SC 2401B3096
1.00 Added	1.00	2323 N	Clinical Nurse Specialist	SC 2472B3095
1.00 Added	1.00	2326 N	Nursing Director	SC 2571B3413

511-AAA-AAA SFGH Operating Fund
HGH6PMH4100 SFGH Medical Staff
00101 Permanent Salaries- Misc.

0.50 Added	0.50	2230 N	Physician Specialist (Internist)	SC 3064B3724

511-AAA-AAA SFGH Operating Fund
HGH6PMH4100 SFGH Medical Staff
00401 Permanent Salaries- Nurses

0.50 Added	0.50	2328 N	Nurse Practitioner	SC 2230B2792

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5H-AAA-AAA HGH6PMH41000 00101			SFGH Operating Fund Support Services Permanent Salaries
0.50 Added	0.50	1220 N Payroll Clerk	SC 1261B1528
1.00 Added	1.00	1404 N Clerk (Messenger)	SC 984B1191
1.00 Added	1.00	1652 N Senior Accountant	SC 1436B1740
2.00 Added	2.00	7334 N Stationary Engineer	SC 1450B1756
1.00 Added	1.00	7342 N Locksmith	SC 1658B2014
14.00 Added	14.00	2736 N Porter	SC 1027B1243
1.00 Added	1.00	2740 N Porter Supervisor	SC 1243B1506
5.00 Added	5.00	8202 N Security Guard	SC 979B1185
1.00 Added	1.00	1450 N Executive Secretary I	SC 1349B1634
7.50 Added	7.50	2604 N Food Service Worker	SC 925B1120
1.00 Added	1.00	2618 N Food Service Supervisor	SC 1109B1342
1.00 Added	1.00	2619 N Sr. Food Service Supervisor	SC 1220B1477
1.00 Added	1.00	2624 N Dietitian	SC 1588B1927
1.00 Added	1.00	2654 N Cook	SC 1232B1491

1G-AGF-AAA HMHMLT0019A1: 00101			General Fund Medical Staff (DMSF) Permanent Salaries- Misc.
2.00 Added	2.00	2230 N Phy. Specialist (Internist/Psych.)	SC 3064B3724
1.00 Added	1.00	2232 N Sr. Phy. Specialist (Medical Dr.)	SC 3378B4106

1G-AGF-AAA HMHMLT0019A1: 00401			General Fund Mental Health System Support Permanent Salaries- Nurses
1.00 Added	1.00	2320 N Registered Nurse	SC 1981B2317
0.50 Added	0.50	2409 N Pharmacy Technician	SC 1513B1835
0.50 Added	0.50	2454 N Clinical Pharmacist	SC 2319B2819
1.00 Added	1.00	2575 N Research Psychologist	SC 2166B2632
1.00 Added	1.00	2910 N Social Worker	SC 1261B1528
5.00 Added	5.00	2930 N Psychologist Social Worker	SC 1740B2115
6.00 Added	6.00	9924 N Public Service Aide	SC 890B890

APPROVED AS TO CLASSIFICATION:
DEPARTMENT OF HUMAN RESOURCES

HUMAN RESOURCES DIRECTOR

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

By: _____
DEPUTY CITY ATTORNEY

NO. 15

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
May 28, 1996	§	June 3, 1996
	§	
	§	
Ayes: Supervisors Alioto Ammiano	§	Ayes: Supervisors Alioto Ammiano
Bierman Hsieh Kaufman Kennedy	§	Bierman Brown Hsieh Katz Kaufman
Leal Shelley Teng Yaki	§	Leal Shelley Yaki
	§	
	§	Absent: Supervisor Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
102-95-19

JUN - 7 1996
Date Approved

Mayor

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JUN 24 1996

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FILE NO. 102-95-20 ORDINANCE NO. 221-96

cc

PUBLIC EMPLOYMENT SAL. ORD. AMEND. NO. 16

AMENDING ORDINANCE NO. 256-95 (ANNUAL SALARY ORDINANCE, 1995/96) REFLECTING THE CREATION OF SIX (6) POSITIONS AT ASSESSOR'S OFFICE.

Be it ordained by the people of the City and County of San Francisco:

Section 1. The hereinafter designated section and items of Ordinance No. 256-95 (Annual Salary Ordinance, 1995/96) are hereby amended so that the same shall read as follows:

Department and Number	Source of Funds and Purpose of Appropriation
1G-AGF-ACP AS-ASR 001-00101 (020008)	General Fund-Continuing Project Assessor Permanent Salaries

(Amendment)	No. Pos.	Class and Item No.	Class Title	Compensation Schedule
1 Added	1	4265 N	Senior Appraiser	SC 1827B2221
2 Added	2	4261 N	Appraiser	SC 1506B1827
2 Added	2	4220 N	Auditor	SC 1506B1827
1 Added	1	4203 N	Senior Assessment Clerk	SC 1158B1401

APPROVED AS TO CLASSIFICATION:
DEPARTMENT OF HUMAN RESOURCES

Wendell P. Pryor
HUMAN RESOURCES DIRECTOR

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

By: Wendell P. Pryor
DEPUTY CITY ATTORNEY

NO. 16

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading

May 28, 1996

Ayes: Supervisors Alioto Ammiano Bierman Hsieh Kaufman Kennedy Leal Shelley Teng Yaki

Finally Passed

June 3, 1996

Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki

Absent: Supervisor Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No. 102-95-20

JUN - 7 1996
Date Approved

Mayor

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FILE NO. 34-96-2 ORDINANCE NO. 222-96

AMENDING ORDINANCE NO. 1061 ENTITLED "REGULATING THE WIDTH OF SIDEWALKS" BY ADDING THERETO SECTION NO 1522 CHANGING THE OFFICIAL SIDEWALK WIDTHS ON THE SOUTHEASTERLY SIDE OF BRYANT STREET BETWEEN NINTH ST & 275' NORTHEASTERLY OF NINTH ST., ON THE NORTHEASTERLY SIDE OF NINTH STREET BETWEEN BRYANT ST & BRANNAN ST, AND ON THE NORTHWESTERLY SIDE OF BRANNAN STREET BETWEEN NINTH ST & 275' NORTHEASTERLY OF NINTH ST, AS SHOWN ON THE DEPARTMENT OF PUBLIC WORKS DRAWING LABELED Q-20-418 AND MAKING FINDINGS PURSUANT TO PLANNING CODE SECTION 101 1

Be it ordained by the people of the City and County of San Francisco:

SECTION 1 Ordinance No. 1061 entitled " Regulating the Width of Sidewalks", be and is hereby amended in accordance with the communication filed in the Office of the Clerk of the Board of Supervisors, by adding thereto a new section to be numbered as follows:

Section 1522 The width of sidewalks on a) The Southeasterly side of Bryant Street between Ninth St and 275' Northeasterly of Ninth St., on the Northeasterly side of Ninth Street between Bryant St & Brannan St, and on the Northwesterly side of Brannan Street between Ninth St. and 275' Northeasterly of Ninth St, shall be as shown on the Department of Public Works drawing labeled Q-20-418, and

SECTION 2 The Planning Department in its letter dated August 20, 1990 states that the above described change of official sidewalk width is in conformity with the Master Plan and makes findings of consistency with the Eight Priority Policies of Planning Code Section 101 1

The San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department in its letter dated August 20, 1990, that the project intended by the proposed changes of official sidewalk widths are consistent with the Eight Priority Policies of Planning Code Section 101 1

The Bureau of Engineering, Department of Public Works, as is necessary as a result of this Ordinance, shall make arrangements with Public Utility companies and City Departments for the relocation and / or adjustment of their facilities in the affected sidewalk and street areas

RECOMMENDED

Acting Director of Public Works

DESCRIPTION APPROVED

City Engineer

APPROVED AS TO FORM
LOUISE RENNE, CITY ATTORNEY

By Deputy City Attorney

APPROVED:

Chief Administrative Officer

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Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
May 28, 1996	$	June 3, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano	$	Ayes: Supervisors Alioto Ammiano
Bierman Hsieh	$	Bierman Brown Hsieh Katz Kaufman
Leal Shelley Teng Yaki	$	Leal Shelley Yaki
	$	
Absent: Supervisors Kaufman Kennedy	$	Absent: Supervisor Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
34-96-2

JUN - 7 1996
Date Approved

Mayor

(Parking Authority)

AMENDING CHAPTER 17 OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY REPEALING SECTIONS 17.2-1, 17.2-2, 17.3, 17.4, 17.5, 17.9, 17.10, 17.14, 17.15, 17.19 AND 17.22 THEREOF, WHICH SET FORTH CERTAIN POWERS AND RESPONSIBILITIES OF THE SAN FRANCISCO PARKING AUTHORITY THAT ARE NO LONGER CONSISTENT WITH THE SAN FRANCISCO CHARTER, OR ADMINISTRATIVE CODE, OR CURRENT PRACTICE; AMENDING SECTIONS 17.1, 17.2, 17.6, 17.7, 17.8, 17.11, 17.16, 17.17, 17.18, 17.20, 17.21, AND 17.23 THEREOF TO MAKE THOSE SECTIONS CONSISTENT WITH THE POWERS AND RESPONSIBILITIES VESTED IN THE PARKING AND TRAFFIC COMMISSION BY THE SAN FRANCISCO CHARTER, THE ADMINISTRATIVE CODE AND WITH CURRENT PRACTICE; AND ADDING SECTIONS 17.3, 17.8, 17.11, 17.12, AND 17.16 THERETO, WHICH PROVIDE FOR CERTAIN POWERS AND RESPONSIBILITIES OF THE PARKING AUTHORITY CONSISTENT WITH THE SAN FRANCISCO CHARTER, THE ADMINISTRATIVE CODE AND CURRENT PRACTICE.

Note: Additions or substitutions are <u>underlined</u>; deletions are indicated by ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Chapter 17 of the San Francisco Administrative Code is hereby amended by repealing Sections 17.2-1, 17.2-2, 17.3, 17.4, 17.5, 17.9, 17.10, 17.14, 17.15, 17.19 and 17.22 thereof, amending Sections 17.1, 17.2, 17.6, 17.7, 17.8, 17.11, 17.16, 17.17, 17.18, 17.20, 17.21, and 17.23 thereof, and adding Sections 17.3, 17.8, 17.11, 17.12, and 17.16 thereto as follows:

CHAPTER 17

((PARKING AUTHORITY))

<u>PUBLIC OFF-STREET PARKING FACILITIES</u>

ARTICLE I

((IN GENERAL))

<u>PARKING AUTHORITY</u>

SEC. 17.1. NEED FOR PARKING AUTHORITY EXPRESSED. There is a need for a parking authority ((to be known as the Parking Authority of the City and County)) to function in the City and County under the provisions of the Parking Law of 1949 (<u>California Streets and Highways Code Sections 32655, inclusive) (the "Parking Law of 1949")</u>).

SEC. 17.2. PARKING AUTHORITY CREATED. A parking authority <u>was</u> ((is hereby)) created at the time and in the manner prescribed by Section 4 of the Parking Law of 1949. <u>Such parking authority shall be known as the Parking Authority of the City and County of</u>

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San Francisco and is hereby authorized to transact business and exercise its powers.

((SEC. 17.2-1. EXERCISE OF POWERS OF A PARKING AUTHORITY BY CITY AND COUNTY; TRANSACTION OF BUSINESS. The Board of Supervisors declares and finds a need for the City and County to exercise the powers of a parking authority and the City and County is herewith authorized to exercise any or all such powers and transact such business, pursuant to Sections 32500 to 33552 of the Streets and Highways Code of the State.))

SEC. 17.1. POWERS OF THE PARKING AUTHORITY. The members of the Parking and Traffic Commission of the City and County of San Francisco (hereafter referred to as the "Parking and Traffic Commission" or the "Commission") shall serve ex officio as the members of the Parking Authority. Subject to the limitations set forth in this Chapter, the Parking and Traffic Commission, when acting as the Parking Authority of the City and County of San Francisco, shall have all of the powers conferred upon parking authorities by the Parking Law of 1949.

((SEC. 17.2-2. JURISDICTION AND CONTROL OVER PARKING PROJECTS. The City and County in transacting business as and in exercising the powers of a parking authority shall have jurisdiction and control over all projects which have been or

shall be financed in whole or in part from funds of the City and County.))

((SEC. 17.3. RATIFICATION OF PREVIOUS JOINT WORKING AGREEMENTS. All joint working agreements previously entered into by and between the City and County and the Parking Authority are hereby ratified and confirmed.))

((SEC. 17.4. TERM OF OFFICE OF CHAIR. The term of office of the chair of the Parking Authority shall be for a calendar year.))

((SEC. 17.5. COMPENSATION OF MEMBERS. Subject to the budget and fiscal provisions of the Charter, the compensation of the appointive members of the Parking Authority of the City and County, exclusive of actual and necessary expenses, including traveling expenses, shall be $50 per meeting for each meeting of the authority actually attended by the members; provided, that the aggregate amount paid to any one member shall not exceed $700 per year, and the aggregate amount paid all the members shall not exceed $3,500 per year.))

SEC. 17.4 ((17.6)). SUBMISSION OF BUDGET. The Parking and Traffic Commission shall submit ((Any)) annual or supplemental budgets ((estimate submitted by)) which shall include ((the)) Parking Authority expenditures ((to the City and County shall be

submitted by it)) in the same manner, time and subject to the same conditions as if the Parking Authority were a ((are required of)) department((s)) of the City and County.

SEC. 17.5 ((17.7)). ANNUAL ((QUARTERLY)) REPORTS TO BOARD OF SUPERVISORS. The Parking and Traffic Commission ((Parking Authority)) shall file with the Board of Supervisors ((at quarterly intervals)), within 120 days after the close of each fiscal year, an annual report ((a detailed report of all)) for the Department of Parking and Traffic which shall include a statement of financial affairs for the Parking Authority audited by independent certified public accountants ((its transactions, including a statement of all revenues and expenditures)).

SEC. 17.6 ((17.8)). OFFICERS AND EMPLOYEES GENERALLY. The powers of the Parking Authority((,)) under California Streets and Highways Code Section 32801(c) ((Section 10, Subsection (c), of the Parking Law of 1949,)) to select and appoint or remove such permanent and temporary officers, agents, counsel and employees((, permanent and temporary,)) as it may require, and to determine their qualifications, duties and compensation, shall be subject ((, with the exception of the positions of general manager, confidential secretary and secretary of the authority,)) to all limitations, ((and)) rights and benefits applicable to similar employment by the City and County except that the positions of

Director and Assistant Director of the Parking Authority shall be exempt from civil service requirements. ((, except those of its Retirement and Health Service Systems. The positions of general manager, confidential secretary and secretary of the authority shall be subject only to the salary standardization and payroll provisions applicable to employment by the City and County. All such officers, agents, counsel and employees shall be residents of the City and County during such employment, unless exempted therefrom in accordance with the provisions of Section 8.100 of the Charter.))

((SEC. 17.9. AD VALOREM TAXES. The Parking Authority shall pay annually to the City and County at the time ad valorem tax payments are due, for each operating facility or project, other than those completed for and on behalf of the City and County, but including all property used to any extent in connection with such operating facility or project, and amount of money equal to that which the Parking Authority would be required to pay to the City and County in ad valorem taxes if it were a private entity owning the same real and personal property. Such amount shall be based upon assessed values determined by the Assessor of the City and County, with right of application to the Board of Supervisors for reduction of any assessed valuation in the same manner and time as in assessment for ad valorem tax purposes. The Board of

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Supervisors shall have the same powers as to any such assessed valuation as in equalization of ad valorem taxes.))

((SEC. 17.10. JURISDICTION OVER FUTURE PROJECTS. The Parking Authority of the City and County shall have jurisdiction and control over all future projects which shall be accomplished by the authority with funds derived by it from sources specified in the Parking Law of 1949, unless otherwise provided by action of both the Board of Supervisors and the authority.))

ARTICLE II

ACQUISITION AND OPERATION OF FACILITIES

((LEASING OF LAND)) FOR OFF-STREET PARKING

SEC. 17.7 ((17.11)). ((AUTHORIZED; GENERAL PROVISIONS OF LEASES)) AUTHORITY TO ACQUIRE AND OPERATE OFF-STREET PARKING FACILITIES. The City and County and the Parking Authority ((shall)) may each acquire by purchase, lease or otherwise land, improvements and other property as necessary and appropriate for use as public off-street parking lots and garages (referred to in this Chapter as "parking facilities") and each may, for such use, lease or enter into management agreements with respect to property ((land and improvements)) owned or controlled by it, ((except land and improvements under the jurisdiction of the Recreation and Park Commission or the Public Utilities Commission, whether acquired or to be acquired by purchase, condemnation or

otherwise, to be used as public off-street parking lots and garages, referred to in this Article as "facilities,")) in accordance with the provisions of this Article. Any such lease of or management agreement for all or part of any such property ((land or improvements)) may also provide for the performance thereon of services or undertakings for the public incidental or advantageous to such public parking project and which are reasonably necessary in order to utilize such property as a public parking facility for the purpose of regulating, controlling and relieving the congestion of ((its)) street traffic.

SEC. 17.8. JURISDICTION OVER PARKING FACILITY SITES; ADMINISTRATION OF LEASES AND MANAGEMENT AGREEMENTS. Except as otherwise provided in the Charter, the Parking and Traffic Commission shall have jurisdiction and control over all parking facilities that are owned by the City and County or the Parking Authority; provided that, regardless of such jurisdiction and control, the Director of Property shall assist in the administration of all leases and management agreements with respect to such parking facilities. The parking facilities which are the subject of this Chapter are not public utilities and are not subject to the Public Utilities Commission's jurisdiction or control.

SEC. 17.9. ((SEC. 17.12.)) PROCEDURE FOR MAKING RECOMMENDATIONS TO BOARD. Recommendations for the procurement of sites for public parking facilities or for the leasing or use of City and County property for such purposes shall be made to the Board of Supervisors by the Parking and Traffic Commission ((Authority)) following a study of the public necessity, convenience and benefit thereof ((by the authority and the City Engineer)), and the approval of the necessary City departments or commissions ((City Planning Commission, as to conformity with the Master Plan of the City and County)). Such studies and recommendations shall be made by the Parking and Traffic Commission ((Authority)) from time to time, either on its own initiative or by request of the Board; provided, that funds are available therefor((,)). ((and any)) Any such study shall include an investigation, consideration and conclusion of the necessity for the City and County to accomplish the public purposes of the public parking facility to serve the area of the City and County in which such site is proposed to be located and the City and County as a whole((, prior to and as a basis for the recommendation thereof)).

SEC. 17.10.((SEC. 17.13.)) APPROVAL OR REJECTION OF RECOMMENDATIONS BY RESOLUTION OF BOARD; CONTENTS OF RESOLUTION OF APPROVAL. The Board of Supervisors, by resolution, shall approve or reject recommendations as submitted or in amended form and in

the event of approval, shall designate the property or site owned, controlled or to be acquired for the purpose by the City and County, as a site for a public off-street parking facility and shall direct the method of operation, the leasing or acquisition thereof for leasing or other operation to accomplish thereby the public purposes set forth in this Article.

((SEC. 17.14. SUBMISSION OF LEASED DOCUMENTS TO BOARD; MODIFICATION, REJECTION OR APPROVAL OF DOCUMENTS. Upon the Board of Supervisors' official designation of a site for a facility and after preparation and approval as to form by the City Attorney of all required documents, the Parking Authority shall submit to the Board for its consideration and action an appropriate form of lease and including but not limiting the same to forms of invitation to bids. The Board may modify and, by ordinance shall approve or reject the documents as submitted or as amended by it.))

((SEC. 17.15. CONTENTS OF LEASED DOCUMENTS. All documents submitted to the Board of Supervisors for its consideration shall contain controls and regulations designed to assure that use of the leased property will be in the public interest and shall include provisions substantially as follows:

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(a) That the public shall always be entitled, as a matter of right, to use a facility, subject to established rates and charges.

(b) The public uses and purposes permissible on or in such facility.

(c) The term of the lease. In the event that the Board shall by ordinance authorize the leasing of land for public parking facilities pursuant to the provisions of the first paragraph of Section 7.402 of the Charter, the term of the lease shall not exceed 20 years. In the event that the City and County

acquires property for such lease, the term shall not exceed 50 years, in accordance with Section 37394 of the State Government Code or any other general law providing for the term of the lease for such purpose.

(d) The rates and charges.

(e) The hours and days of operation.

(f) Restrictions, if any, on all day or monthly parking.

(g) That the lease shall be subject to modification in relation to the provisions of Paragraphs (b), (d), (e) and (f) of this Section, and otherwise in accordance with the terms of this Article.))

SEC. 17.11. LEASING AND MANAGEMENT AGREEMENTS FOR PARKING FACILITIES.

(a) The Parking and Traffic Commission shall submit all leases of parking facilities, agreements for operation of parking facilities and invitations for bids for such leases or operating agreements to the Board of Supervisors after approval by the Commission and approval as to form by the City Attorney. The Board may revise the submitted documents and, by ordinance, shall approve or disapprove the documents in their original form or as revised by the Board.

(b) If the Board approves the documents, it shall, by ordinance, authorize and urge the Director of Property to advertise an invitation for bids for the leasing or the operation

of the parking facility. The Director of Property shall thereupon advertise the invitation for bids. Within 30 days after the bid opening, or such additional time as the Board may allow, the Director of Property and the Parking and Traffic Commission shall recommend to the Board the acceptance of the highest responsive and responsible bid (in the case of a lease) or the lowest responsive and responsible bid (in the case of an operating agreement) or, in the alternative, shall recommend the rejection of all bids. The Board shall award or reject the lease or operating agreement by resolution.

(c) Notwithstanding anything to the contrary elsewhere in this Chapter, when authorized and directed by ordinance of the Board, a lease of or management agreement for a parking facility or a parking facility site may be awarded, without advertising for bids, to a non-profit association or corporation, for the purpose of facilitating financing of a facility, on such terms and conditions as are approved by the Board.

(d) All documents submitted to the Board of Supervisors for its approval shall contain provisions designed to assure that use of the parking facility in question will be in the public interest and, among other things, shall set forth:

(1) That the public shall always be entitled, as a matter of right, to use the parking facility, subject to established rates and charges.

(2) The public uses and purposes permissible on or in such parking facility.

(3) The rates and charges.

(4) The hours and days of operation.

(5) Restrictions, if any, on all-day or monthly parking.

(6) That the lease or management agreement shall be subject to modification of the terms required by Paragraphs (2), (3), (4) and (5) of this Section, and otherwise in accordance with this Chapter.

SEC. 17.12. PARKING FACILITIES UNDER PUBLIC PARKS. Pursuant to Section 4.113 of the Administrative Code, the Parking and Traffic Commission shall be responsible for leasing or entering into management agreements for the operation of parking facilities situated in subsurface space under any public park, square or playground. The establishment and administration of such leases or management agreements shall be subject to all provisions of Administrative Code Section 4.113 and this Chapter.

The expenses incurred by the Parking and Traffic Commission in managing and operating such parking facilities, including but not limited to expenses incurred in establishing and administering the leases or management agreements and in making necessary improvements and performing necessary maintenance to the parking facilities, shall be paid out of the revenues derived from such leases or management agreements. After such expenses are paid,

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any revenues remaining shall be credited to and any losses debited from the Recreation and Park Department.

SEC. 17.13 ((17.16)). MODIFICATION OF LEASES AND MANAGEMENT AGREEMENTS ((PARKING RATES TO BE ESTABLISHED BY BOARD; LESSEE TO CONFORM TO TERMS OF LEASES)). All leases of or management agreements for parking facilities ((property for facility purposes)) shall provide that ((all)) the lessees or operators ((thereunder)) shall charge the public the rates and charges ((as)) that are initially fixed ((and established)) or ((as)) thereafter changed by the Board of Supervisors, and shall ((conform to other provisions of such lease or modifications thereof as provided for by this Article)) comply with any other modifications of the lease or operating agreement that are required or permitted by this Chapter.

SEC. 17.14 ((17.17)). ((CONTROLLER'S STUDY AND REPORT;)) RECOMMENDATIONS OF PARKING AND TRAFFIC COMMISSION ((AUTHORITY)); ADJUSTMENT OF RATES BY BOARD; PETITION TO CHANGE RATES. Periodically ((Between March 1st and June 1st of each year)), the Parking and Traffic Commission ((Controller)) shall conduct a review ((survey and study of the operation of each facility leased with respect to)) of the rates and charges imposed on the public for the use of parking facilities under the jurisdiction of the Parking and Traffic Commission ((thereof and the results of the

operation of such facility thereunder)) and shall render a written report and recommendations thereon to the Board of Supervisors. ((and to the Parking Authority and shall forward a copy of such report to the Director of Property. The Parking Authority shall examine all such Parking and Traffic Commission Controller's reports and submit its recommendations to the Board upon the subject of such rates and charges and any other regulations or restrictions relating to the operation of any such parking facility as it may deem appropriate.)) The Board shall review the ((such)) report((s)) and the recommendations ((and the public parking rates, charges and regulations then in effect,)) and shall by resolution ((adopted by a majority vote of the Board)) adjust the rates((,)) and charges and/or make other modifications of the lease or management agreement in order ((and regulations)) to provide an adequate return to the ((each)) lessee or operator and to protect the public interest.

The Commission and ((E))each lessee or operator, through the Commission, shall have the right at all times to ((petition)) apply to the Board for an adjustment of ((in)) public parking rates and charges or other modifications of the lease or operating agreement for ((a change in regulations applicable to the)) a parking facility ((of which he or she is lessee)). ((The lessee shall file copies of such petition with)) Applications by a lessee or operator shall be by written petition filed with the Parking and Traffic Commission with copies ((shall be)) delivered

to Board of Supervisors. ((the Parking Authority and the Controller, both of whom)) The Parking and Traffic Commission shall report thereon to the Board within 30 days of such filing or within such further time as may be allowed by motion of the Board. ((Regulations established by the lessee for the operation of a facility and parking rates and charges shall at all times be subject to review and change by the Board.)) Parking rates and charges shall at all times be subject to review and revision by the Board, but only after the Parking and Traffic Commission has made a recommendation.

Notwithstanding the above, the Parking and Traffic Commission shall have the authority to establish and implement new public parking rates at parking facilities under the jurisdiction of the Parking and Traffic Commission on an 180-day trial basis. Upon termination of the 180-day period, the Commission shall either rescind the interim rates or have obtained approval from the Board of Supervisors for an adjustment of the rates. When the Commission requests Board approval for an adjustment of rates after a trial period, the Commission shall provide a report analyzing the impact on City revenues from the parking rates charged during the trial period. The Executive Director of the Department of Parking and Traffic shall have the authority to establish public parking rates for special events not to exceed five consecutive days.

SEC. 17.15 ((17.18)). ((LESSEE'S)) METHODS OF ACCOUNTING; INSPECTION OF BOOKS AND RECORDS((, ETC.)). Each lessee or operator of a parking facility shall ((follow and)) comply with the directions of the Controller with respect to the forms and methods of accounting for the financial transactions ((relating to the operations)) of such parking facility ((under the lease)). The Controller and his or her authorized representatives shall have the right and ((it shall be his or her)) the duty periodically to examine and inspect the books and other records of each ((such)) lessee or operator that relate ((with respect)) to the operations of such parking facility ((each lessee under each lease)). Each lessee or operator shall maintain on the ((demised)) premises or at such other location as is permitted by the Controller all appropriate books and records, which shall be maintained on a current basis. ((The Director of Property and the Parking Authority, or the authorized representatives of each, shall have the right to enter any such facility and make such inspection of the same as they may deem appropriate for the purpose of acquiring information as to performance of the obligations of any such lease by the lessee, the results of the operation of such facility thereunder and the promotion of the public interest and the purposes of the lease thereby.)) The Controller shall have the right at all reasonable times to make copies of such books and records.

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SEC. 17.16. INSPECTION OF PARKING FACILITIES. The Director of Property, the Parking and Traffic Commission and the authorized representatives of each shall have the right at any time to enter and inspect any parking facility in order to obtain information relative to the management and operation of the parking facility, the physical condition of the parking facility and the satisfaction of the public interests and public purposes intended to be served by the parking facility.

((SEC. 17.19. ACQUISITION OF PROPERTY; LEASING WITHOUT BIDDING; GENERAL DUTIES OF DIRECTOR OF PROPERTY. All property directed by the Board of Supervisors to be acquired for the City and County for a facility shall be acquired by the Director of Property following the Board's enactment of an appropriate ordinance therefor. Except as hereinafter provided, when authorized and directed by resolution of the Board, the Director of Property shall advertise a call for bids to lease a facility under the provisions hereof.

Within 30 days after bid opening, or such further time as the Board may by motion allow, the Parking Authority and the Director of Property shall recommend to the Board as to the highest and best responsible bid or as to the rejection of all bids. The Director of Property shall award the lease in accordance with the direction of the Board. When authorized and directed by ordinance of the Board, the Director of Property may award a lease, without

advertising for bids, to a nonprofit association or corporation for the maintenance, operation and management of a facility on such terms and conditions as have been approved by the Board. All property leased by the City and County for the purposes of this Article, and the administration of all leases thereof, except as otherwise provided in this Article, shall be under the jurisdiction of the Director of Property. The Director of Property shall collect all rents due under any such lease.))

SEC. 17.17 ((17.20)). INAPPLICABILITY OF CHAPTER ((ARTICLE)) TO ((PROPERTY UNDER JURISDICTION OF PUBLIC UTILITIES COMMISSION)) PARKING FACILITIES AT THE AIRPORT OR THE PORT. The provisions of this Chapter ((Article)) shall not apply to ((public offstreet)) parking facilities located or to be located on property at the airport or port ((under the jurisdiction of the Public Utilities Commission and it is the City and County's intention and declaration that the facilities which are the subject of this Article are not public utilities and are not subject to the Commission's jurisdiction or control)).

SEC. 17.18. ((SEC. 17.21)) INAPPLICABILITY OF ARTICLE TO FACILITIES ESTABLISHED UNDER PARKING LAW OF 1949 ((OR UNDER JURISDICTION OF RECREATION AND PARK COMMISSION.)) The Parking and Traffic Commission, when acting as the Parking Authority, is not required to apply the provisions of this Article ((shall not

apply)) to public offstreet parking facilities which have been or may be established by the Parking Authority under the provisions of the Parking Law of 1949 ((as amended, nor shall they apply to public parking facilities under the jurisdiction of the Recreation and Park Commission)). Notwithstanding the above, nothing herein shall prohibit the Parking and Traffic Commission, when acting as the Parking Authority, from deciding by resolution to adhere to any or all of the provisions of this Article in connection with public offstreet parking facilities which have been or may be established under the provisions of the Parking Law of 1949.

((SEC. 17.22. ACCEPTANCE OF HANDICAPPED COURTESY COUPONS. All attended City-owned public off-street parking lots and garages ("parking facilities") shall accept Handicapped Courtesy Coupons issued by the Parking Association of California pursuant to standards acceptable to the City, in exchange for equalizing parking time credit as provided herein, subject to the following conditions:

1. Only one coupon may be used with each parking ticket.

2. The vehicle for which the coupon is to be used must display an unexpired distinguishing license plate or placard issued by the Department of Motor Vehicles pursuant to California Vehicle Code Sections 22511.5 or 22511.9.

3. Equalizing parking time credit shall not be given by a parking facility if: (1) the total elapsed parking time is less

than the time period for which the minimum parking rate is charged by that parking facility; or (2) the total elapsed parking time is more than four hours.

Upon presentation to a parking facility of a coupon satisfying these conditions, the charge for parking shall be reduced by an amount equivalent to the minimum rate for parking that is charged by that parking facility.))

SEC. 17.19 ((17.23)). AUTHORITY OF PARKING AND TRAFFIC COMMISSION ((AUTHORITY)) TO EXECUTE AGREEMENTS ESTABLISHING STANDARDS FOR ISSUANCE OF ((HANDICAPPED)) COURTESY COUPONS. The Parking and Traffic Commission ((Authority)) is hereby authorized and directed, with the approval of the City Controller, to execute agreements with the Parking Association of California ("the Association") or other organization representing the interests of the disabled in order to establish((ing)) standards and procedures for issuance of ((Handicapped)) Courtesy Coupons to disabled persons to enable them to use parking facilities at a reduced charge ((by the Association)) and to provide ((providing)) for

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periodic review by the City Controller of the organization's ((Association's)) books and records pertaining to issuance of such coupons.

RECOMMENDED:

JOHN E. NEWLIN
Director
Department of Parking and Traffic

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: LINDA M. ROSS
Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
May 28, 1996	$	June 3, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano	$	Ayes: Supervisors Alioto Ammiano
Bierman Hsieh	$	Bierman Brown Hsieh Katz Kaufman
Leal Shelley Teng Yaki	$	Leal Shelley Yaki
	$	
Absent: Supervisors Kaufman Kennedy	$	Absent: Supervisor Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
97-96-28

JUN - 7 1996
Date Approved

Mayor

FILE NO. 97-96-29 ORDINANCE NO. 224-96

[Use of Surplus Campaign Funds]

AMENDING CHAPTER 16 OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY AMENDING SECTION 16.510 TO PROVIDE THAT INDIVIDUALS WHO CEASE TO BE A CANDIDATE FOR LOCAL OFFICE, OR WHO FAIL TO QUALIFY AS A CANDIDATE FOR LOCAL OFFICE, AND WHO HAVE UNEXPENDED CAMPAIGN FUNDS, MAY DONATE THE UNEXPENDED FUNDS TO THE GENERAL FUND OF THE CITY AND COUNTY OF SAN FRANCISCO.

Note: Additions are underlined.

Be it ordained by the People of the City and County of San Francisco

Section 1. Section 16.510 of the San Francisco Administrative Code is hereby amended to read as follows:

SEC. 16.510. SOLICITATION OR ACCEPTANCE OF CAMPAIGN CONTRIBUTIONS LIMITATIONS. No intended candidate for any public office of the City and County, and no committee acting on behalf of a candidate, shall solicit or accept, or cause to be solicited or accepted, any contribution unless and until said candidate shall have filed a declaration of intention to become a candidate for a specific City and County office with the Registrar of Voters on a form to be prescribed by said Registrar of Voters; provided, however, that in any election in which members of the Board of Supervisors are elected by votes cast in a district, the office of a member of the Board of Supervisors shall be deemed to be a specific office of the City and County.

No person shall file a declaration of intention to become a candidate for more than one elective office of said City and County. For the purposes of this Section a committee acting on behalf of a candidate need not be controlled by or acting under the authorization of the candidate.

Except as provided below, any contributions solicited or accepted under this Section shall be expended only on behalf of the candidacy for the office specified in said declaration of intention to become a candidate. Contributions solicited or accepted under this Section for one individual shall not be expended for the candidacy of any other individual or in support of or opposition to any measure. If an individual ceases to be a candidate or fails to qualify under the provisions of the Charter for an office for which contributions have been solicited or accepted, then all unexpended contributions shall be returned on a pro rata basis to those persons who have made said contributions or donated to the General Fund of the City and County of San Francisco.

Unexpended contributions held by a candidate or committee after the date of the election in which said candidate or measure appeared on the ballot may be returned on a pro rata basis to those persons who have made said contributions, donated to a charitable organization, donated to the General Fund of the City and County of San Francisco, or as contributions to a candidate or a committee acting on behalf of a candidate, transferred to any legally constituted committee established by or on behalf of the candidate, pursuant to the provisions of Government Code of the State of California (commencing at Section 81000).

APPROVED AS TO FORM:
LOUISE H. RENNE
City Attorney

By: _____
Deputy City Attorney

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cc

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
May 28, 1996	§	June 3, 1996
	§	
	§	
Ayes: Supervisors Alioto Ammiano	§	Ayes: Supervisors Alioto Ammiano
Bierman Hsieh Kaufman	§	Bierman Brown Hsieh Katz Kaufman
Leal Shelley Teng Yaki	§	Leal Shelley Yaki
	§	
Absent: Supervisor Kennedy	§	Absent: Supervisor Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
97-96-29

JUN - 7 1996
Date Approved

Mayor

(Amending Regulations Governing Sale of Firearms)

AMENDING THE SAN FRANCISCO MUNICIPAL CODE PART II, CHAPTER VIII (POLICE CODE) BY AMENDING ARTICLE NINE, SECTIONS 613.1 AND 613.10 THEREOF, RELATING TO THE SALE, LEASE OR OTHER TRANSFER OF FIREARMS, FIREARM AMMUNITION OR FIREARM AMMUNITION COMPONENTS.

Note: Additions or substitutions are indicated by <u>underlining</u>; deletions are indicated by ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. <u>Findings</u>.

1. In recent years, firearms have eclipsed automobiles as the primary cause of injury-related mortality in California and at least five other states.

2. The Federal Centers for Disease Control and Prevention have projected that firearms will become the primary cause of injury-related mortality nationwide by 2003.

3. Firearms are the leading killer of Californians under the age of 24, killing more Californians in that age group than motor-vehicle injuries, AIDS, heart disease, and cerebrovascular disease combined.

4. Guns are widely and easily available in California. There are more than twice as many gun dealers in California as there are schools.

5. Restricting the flow of guns may help reduce the level of gun violence in San Francisco.

6. Pawn shops are not as strictly regulated under State law as other businesses that sell firearms. Information gathered by the United States Department of Justice indicates that individuals seeking to purchase firearms at pawn shops were ten times more likely to be within classes prohibited from purchasing firearms (e.g., convicted felons) than were individuals purchasing firearms from other gun dealers.

7 It is equitable, in the public interest and not unduly burdensome to require that all gun-related transactions at pawn shops in San Francisco be subject to the same regulations as such transactions at other gun dealers.

8. It is also in the public interest, and not unduly burdensome, to require pawn shops to impose the same restrictions on individuals who seek to redeem a firearm they pawned or pledged, as are imposed on individuals who seek to purchase

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firearms.

9. Certain types of ammunition manufactured in the United States and abroad are of substantial and peculiar danger to law enforcement officers and victims of gun shot wounds. Some such ammunition has been designed specifically to penetrate the safety vests worn by law enforcement. Other such ammunition has been designed specifically to increase the amount of bodily injury inflicted on an individual struck by such ammunition. Current law banning the sale of certain ammunition needs to be clarified to ban these types of peculiarly dangerous ammunition, while at the same time not restricting the sale of other commonly used ammunition.

10. The State of California has not sufficiently addressed the problems resulting from the increased availability and use of firearms in urban areas of the State, forcing cities to enact local measures, within the limits set by state law.

Section 2. The San Francisco Municipal Code Part II, Chapter VIII (Police Code) is hereby amended by amending Article Nine, Section 613.1, to read as follows:

/ / /

SEC. 613.1. DEFINITIONS.

A. "Firearm" shall mean any device, designed to be used as a weapon or modified to be used as a weapon, that expels a projectile by the force of an explosion or other form of combustion.

B. "Firearm Ammunition" shall mean any cartridge or encasement containing a bullet or projectile, propellant or explosive charge, and a primer which is used in the operation of a firearm.

C. "Firearm Ammunition Component" shall mean any cartridge or encasement, bullet or projectile, primer or propellant or explosive material used in the manufacture of ammunition.

D. "Transfer" shall include, but shall not be limited to, the redemption of a pawned or pledged firearm by any individual including the individual who pawned or pledged the firearm.

Section 3. The San Francisco Municipal Code Part II, Chapter VIII (Police Code) is hereby amended by amending Article Nine, Section 613.10, to read as follows:

SEC. 613.10. LICENSE -- CONDITIONS. In addition to all other requirements and conditions stated in this Article, each

license shall be subject to all of the following conditions, the breach of any of which shall be sufficient cause for revocation of the license by the Chief of Police:

(a) The business shall be carried on only in the building located at the street address shown on the license.

(b) The Licensee shall comply with Sections 12073, 12074, 12076, 12077 and 12082 of the California Penal Code, to the extent that the provisions remain in effect.

(c) The Licensee shall not deliver any pistol or revolver to a purchaser earlier than 15 days after the application for the purchase, lease or transfer, unless otherwise provided by state or federal law.

(d) The Licensee shall not deliver any firearm to a purchaser, lessee or other transferee unless the firearm is unloaded, and securely wrapped or unloaded in a locked container.

(e) The Licensee shall not deliver any firearm, firearm ammunition, or firearm ammunition component to a purchaser, lessee or other transferee unless the purchaser, lessee or other transferee is personally known to the seller or presents clear evidence of his or her identity and age to the seller. As used in this section, "clear evidence of his or her identity and age"

includes, but is not limited to, a motor vehicle operator's license, a state identification card, an armed forces identification card, and employment identification card which contains the bearer's signature and photograph, or any similar documentation which provides the seller reasonable assurance of the identity and age of the purchaser.

(f) The Licensee shall not display in any part of the premises where it can be readily seen from outside the premises, any firearm, firearm ammunition or imitation thereof, or placard advertising the sale or other transfer thereof, other than a sign identifying the name of the business.

(g) The Licensee shall not sell, lease or otherwise transfer any firearm without also selling or otherwise providing with each firearm a trigger lock or similar device approved by the Chief of Police that is designed to prevent the unintentional discharge of the firearm.

(h) The Licensee shall not sell, lease or otherwise transfer any firearm without affixing to each firearm, or sealed package containing a firearm, a warning label stating the following in not less than 14 point type: IF YOU LEAVE A LOADED FIREARM WHERE A CHILD OBTAINS AND IMPROPERLY USES IT, YOU MAY BE FINED OR SENT TO

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PRISON, AND YOU MAY BE LIABLE FOR CIVIL DAMAGES.

(i) The Licensee shall not sell, lease or otherwise transfer to any person any ammunition clip or magazine that has the capacity to contain more than ~~15~~ 10 rounds of ammunition.

5/21/96 jlb

(j) The Licensee shall not sell, lease or otherwise transfer to any person any ammunition that ((has no sporting purpose and is designed to expand upon impact. Such ammunition includes, but is not limited to, Black Talon bullets.))

(1) serves no sporting purpose.

(2) is designed to expand upon impact and utilize the jacket, shot or materials embedded within the jacket or shot to project or disperse barbs or other objects that are intended to increase the damage to a human body or other target (including, but not limited to, Winchester Black Talon, Speer Gold Dot, Federal Hydra-Shok, Hornady XTP, Eldorado Starfire, ~~and~~ Hollow Point Ammunition Remington Golden Sabre ammunition).

5/21/96 jlb

(3) is designed to fragment upon impact (including, but not limited to, Black Rhino bullets and Glaser Safety Slugs), or

(4) is designed primarily to penetrate metal or armor.

This subsection does not apply to conventional hollow-point ammunition with a solid lead core. ~~and does not apply~~ when the

5/21/96 jlb

purchase is made for official law enforcement purposes and the purchaser is authorized to make such a purchase by the director of a public law enforcement agency such as the Chief of the San Francisco Police Department or the Sheriff of the City and County of San Francisco.

(k) The Licensee shall not sell, lease or otherwise transfer any firearm, firearm ammunition or firearm ammunition component to any person under the age of 18 years.

(l) The Licensee shall not sell, lease or otherwise transfer any firearm to any person whom the licensee has reason to believe is within any of the classes prohibited by California Penal Code sections 12021 or 12021.1 or California Welfare and Institutions Code sections 8100 or 8103.

(m) The Licensee shall not deliver any firearm, firearm ammunition, or firearm ammunition component to a purchaser, lessee or other transferee whom the Licensee knows or has reason to believe is attempting the transfer (1) on behalf of another person, or (2) with the intent to avoid any restriction on transfers under this Article, or state or federal law.

Any license issued pursuant to this Article shall be subject

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/ / /

to such additional conditions as the Chief of Police finds are reasonably related to the purpose of this Article.

APPROVED AS TO FORM:
LOUISE H. RENNE, City Attorney

By: _____
G. SCOTT EMBLIDGE
Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
May 28, 1996	June 3, 1996
Ayes: Supervisors Alioto Ammiano Bierman Hsieh Kaufman Kennedy Leal Shelley Teng Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki
	Absent: Supervisor Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No.
121-96-6

JUN - 7 1996
Date Approved

_____
Mayor

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FILE NO. 101-95-2.3

ORDINANCE NO. 226-96

AMENDMENT TO THE WHOLE
AS AMENDED IN COMMITTEE - 5/29/96

[Annual Appropriation Ordinance]

AMENDING THE ANNUAL APPROPRIATION ORDINANCE FOR THE YEAR 1995 96 BY ADDING SECTION 34 TO AUTHORIZE SEQUESTRATION OF FUNDS FOR NEW STADIUM AND RENOVATIONS TO EXISTING STADIUM AND PLACING ANY SUCH APPROPRIATED FUNDS ON RESERVES.

Note: This entire section is new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Annual Appropriation Ordinance for the Fiscal Year 1995-96 is hereby amended by adding Section 34 thereto, reading as follows:

SECTION 34. (a) The Controller is hereby authorized to set aside all proceeds from the Stadium Naming Rights Agreement and any other funds that the Board of Supervisors chooses to appropriate for the planning and development of a new football stadium and for renovations to the existing stadium at Candlestick Point, in order to reduce general fund outlay for these purposes, in a separate account which shall accrue interest on the unencumbered balance thereof. Any balance remaining in this account at the close of any

SUPERVISOR SHELLEY

fiscal year shall be deemed to have been provided for a specific purpose within the meaning of the charter and shall be carried forward and accumulated for the new football stadium, and for renovations to the existing stadium, and shall be subject to the budget and fiscal procedures of the charter.

(b) Proceeds from the Stadium Naming Rights Agreement, and any other funds that the Board chooses to appropriate for the planning and development of a new stadium or for renovation of the existing stadium at Candlestick Park, shall be held on reserve pending submission to the Budget Committee of a detailed itemization of proposed expenditures.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: Miriam Morley
Miriam M. Morley
Deputy City Attorney

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JUL 02 1996
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PUBLIC LIBRARY

Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
June 3, 1996	$	June 10, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki	$	Ayes: Supervisors Alioto Ammiano Brown Hsieh Kaufman Leal Shelley Teng Yaki
	$	
Absent: Supervisor Teng	$	Absent: Supervisors Bierman Katz

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John Giglio
Clerk

File No.
101-95-2.3

JUN 11 1996
Date Approved

Mayor

FILE NO. 101-95-80

(Government Funding)

ORDINANCE NO. 227-96

RO#95203
SA#91

APPROPRIATING $82,500 OF 1989 EARTHQUAKE SAFETY BOND INTEREST EARNINGS TO A CAPITAL IMPROVEMENT PROJECT (UTILITY PIPE BRACING) AT LAGUNA HONDA HOSPITAL FOR THE DEPARTMENT OF PUBLIC WORKS FOR FISCAL YEAR 1995-96.

Be it ordained by the people of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for FY 1995-1996 as follows:

Department and Number	Source of Funds and Purpose of Appropriation	Amount Debit	Amount Credit
3C-EQS-89A	**1989 Earthquake Safety Bond**		
DPW-AT-AT	Public Works - Architecture		
Proj. C-AT-ES1-BP 099-09999 (DPW530261)	Interest Earned	$82,500	
HL-HLH	Laguna Honda Hospital		
Proj.CATES1-LH8001	LHH-Utility Pipe Bracing		
060-06700 (HLH450270	Capital Improvement Project		$82,500
	Total	$82,500	$82,500

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY [signature]
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:
EDWARD M. HARRINGTON
CONTROLLER

BY: [signature]

n:\excel\budget\90sa#91

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading

June 3, 1996

Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki

Absent: Supervisor Teng

Finally Passed

June 10, 1996

Ayes: Supervisors Alioto Ammiano Brown Hsieh Kaufman Leal Shelley Teng Yaki

Absent: Supervisors Bierman Katz

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

[signature]
Clerk

File No.
101-95-80

JUN 11 1996
Date Approved

[signature]
Mayor

DOCUMENTS DEPT.

JUL 02 1996

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FILE NO 101-95-81 ORDINANCE NO. 228-96

(Government Funding) RO#95201
SA#90A&B

APPROPRIATING $63,841 FROM THE GENERAL FUND RESERVE, RESCINDING $24,540 OF STATE TOBACCO TAX REVENUES AND APPROPRIATING $39,301 FOR MANAGEMENT INFORMATION SYSTEMS OF THE DEPARTMENT OF PUBLIC HEALTH IN THE GENERAL FUND; APPROPRIATING AND RESCINDING (REALLOCATING) VARIOUS TOBACCO TAX REVENUES AND EXPENDITURES TO COMPLY WITH STATE GUIDELINES IN THE TOBACCO TAX FUND; AND APPROPRIATING $201,685 OF TOBACCO TAX REVENUES FOR SALARIES AND FRINGE BENEFITS AT SAN FRANCISCO GENERAL HOSPITAL FOR FISCAL YEAR 1995-96.

Be it ordained by the people of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for FY 1995-1996 as follows:

Department and Number	Source of Funds and Purpose of Appropriation	Amount Debit	Amount Credit
5H-AAA-AAA	**SFGH Operating Fund**		
HGH-05-01	San Francisco General Hospital		
450-45414 (HGH1HF100101)	State-Health Prog /Prop. 99 Tobacco Tax - AB75	$201,685	
001-00100 (HGH1HUN40061)	Permanent Salaries - Misc		$201,685
	Total SFGH Operating Fund	$201,685	$201,685
1G-AGF-AAA	**General Fund**		
UN-UNA	General Fund Unallocated		
097-09799 (*CON1GAGFAAA)	General Fund Reserve	$63,841	
HC-HCH	Community Health Services		
081-081HM (HCHACPR99GF)	Services of Other Dept.-CHS-MIS		$39,301
450-45414 (HCH053744)	Prop 99 - Tobacco Tax - AB75		$24,540
	Total General Fund:	$63,841	$63,841
1G-S&A-STA	**General Fund Subventions - State**		
HCH-05-P9	DPH - Community Health Services		
Grant No. (HCH0040-95)	Prop 99/AB75		
450-45414 (HCH058016-GS)	Prop 99 Tobacco Tax - AB75		
Proj. PHCT66-00	95-96 Other Co. Health Svc Rev.	$291,966	
Proj PHCT61-00	County Hospital		$28,921
Proj PHCT62-00	Non-County Hospital Formula		$74,205
Proj PHCT63-00	Non-County Hospital Access		$74,205
Proj PHCT64-00	Physicians Services EMS Funds		$69,205
Grant No HCH0000	Prop 99/AB75		
021-02799 (HCH736439-GS)	Professional Services		
Proj PHCT62-02	Non-County Hospital Formula - Medical Services Contract	$74,205	
Proj PHCT63-02	Non-County Hospital Access. - Medical Services Contract	$66,043	
Proj PHCT63-03	Non County Hospital Access.- Other Professional Svcs Contract	$3,749	

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Department and Number	Source of Funds and Purpose of Appropriation	Amount Debit	Amount Credit
Proj PHCT64-02	Physicians Services EMS Fund - Medical Services Contract	$62,285	
Proj PHCT64-03	Physicians Services EMS Fund - Other Professional Svcs Contract		$15,062
Proj. PHCT65-03	Physicians Services New Contracts- Other Professional Svcs Contract		$4,103
Proj PHCT66-03	Other County Health Services - Other Professional Svcs Contract		$55,402
Grant No HCH0050	Prop 99/AB75		
450-45414 (HCH055368)	State Health Programs/Prop 99 - Tobacco Tax - AB75		
Proj PHCT61-02	Hospital Service County - RTO SFGH	$27,170	
Proj. PHCT61-01	Non-County Hospital Formula - RTO - Co.	$1,751	
Proj. PHCT63-01	Non-County Hospital Access. - RTO - Co	$4,413	
Proj. PHCT64-01	Physicians Services EMS Fund RTO -Co	$21,982	
Proj PHCT65-01	Physicians Services New Contracts RTO - Co.	$4,103	
Proj PHCT66-02	Other County Health Services - RTO - SFGH		$228,855
Proj PHCT66-01	Other County Health Services RTO - Co		$7,709
	Total General Fund Subventions:	$557,667	$557,667

APPROVED AS TO FORM
LOUISE H RENNE, CITY ATTORNEY

BY _____
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:
EDWARD M HARRINGTON
CONTROLLER

BY: _____

DEPARTMENT OF HUMAN RESOURCES

BY Wendell Brown
DIRECTOR

n:\excel\approj\8490A&B

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
June 3, 1996	§	June 10, 1996
	§	
	§	
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki	§	Ayes: Supervisors Alioto Ammiano Brown Hsieh Kaufman Leal Shelley Teng Yaki
	§	
	§	
Absent: Supervisor Teng	§	Absent: Supervisors Bierman Katz

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
101-95-81

JUN 11 1996

Date Approved

Mayor

DOCUMENTS DEPT.

JUL 02 1996

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FILE NO 101-95-82

ORDINANCE NO. 229-96

(Government Funding)

RO# 95212
SA#96

APPROPRIATING $4,943,173 OF MUNICIPAL RAILWAY OPERATING FUNDS (FARE AND SUBVENTION REVENUE, FUND BALANCE AND RESCINDING FRINGE BENEFITS) TO FUND PROJECTED SHORTFALLS IN WORKERS' COMPENSATION AND FUEL FOR THE MUNICIPAL RAILWAY FOR FISCAL YEAR 1995-96.

Be it ordained by the people of the City and County of San Francisco

Section 1. Funds are hereby appropriated for FY 1995-1996 as follows

Department and Number	Source of Funds and Purpose of Appropriation	Amount Debit	Amount Credit
5M-AAA-AAA	**PTC - Municipal Railway Operating Fund**		
PT DPT	Department of Public Transportation		
001 01901 (353100)	Fringe Benefits	$869,163	
600 66301 (350000)	Transit Cash Fares	$2,784,654	
490 49101 (350000)	TDA Sales Tax - Capital	$161,391	
999 99999 (xxxxxxxxxx)	Fund Balance	$1,127,965	
040 04799 (353100)	Fuels and Lubricants		$284,242
081 081H3 (352310)	Svcs of Other Depts - HRD Workers' Comp		$4,470,344
089 08900 (350410)	Budget Reduction Not Detailed		$188,587
	Total	$4,943,173	$4,943,173

BOARD OF SUPERVISORS

APPROVED AS TO FORM
LOUISE H. RENNE, CITY ATTORNEY

BY: [signature]
DEPUTY CITY ATTORNEY

n:\ord\approp\ro95#96

FUNDS AVAILABLE
EDWARD M. HARRINGTON
CONTROLLER

BY: [signature]

BOARD OF SUPERVISORS

DOCUMENTS DEPT.

JUL 02 1996

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Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
June 3, 1996	$	June 10, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki	$	Ayes: Supervisors Alioto Ammiano Brown Hsieh Kaufman Leal Shelley Teng Yaki
Absent: Supervisor Teng	$	Absent: Supervisors Bierman Katz

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
101-95-82

JUN 11 1996
Date Approved

Mayor

FILE NO 101-95-83
(Government Funding)

ORDINANCE NO. 230-96

RO#95213
SA#99

APPROPRIATING $2,500,000 FOR LIBRARY SALARIES ($1,552,242 OF LIBRARY PRESERVATION FUNDS AND $947,758 OF GENERAL FUNDS), RESCINDING $50,000 FROM GENERAL FUND MATERIALS AND SUPPLIES, $500,000 FROM BOOKS AND $50,000 FROM MATERIALS AND SUPPLIES IN THE LIBRARY PRESERVATION FUND TO ADDRESS THE PROJECTED BUDGET SHORTFALL AT THE PUBLIC LIBRARY FOR FISCAL YEAR 1995-96 ; PROVIDING FOR RATIFICATION OF ACTION PREVIOUSLY TAKEN.

RI 5/29

Be it ordained by the people of the City and County of San Francisco

Section 1. Funds are hereby appropriated for FY 1995-96 as follows

Department and Number	Source of Funds and Purpose of Appropriation	Amount Debit	Amount Credit
1G-AGF-AAA	General Fund		
UN-UNA	General Fund Unallocated		
097-09799 (*CON1GAGFAAA)	General Fund Reserve	$897,758	
LB-LIB	Public Library		
040-04000 (415012)	Materials and Supplies	$50 000	
001 00501 (415014)	Salaries - Miscellaneous -Temporary		$473,878
001-00501 (415015)	Salaries - Miscellaneous - Temporary		$473,878
	Total General Fund	$947,758	$947 756

Department and Number	Source of Funds and Purpose of Appropriation	Amount Debit	Amount Credit
2S-LIB-NPR	Public Library Preservation Fund		
LB LIB	Public Library		
999-99999 (415034)	Fund Balance	$1,002,242	
060-06031 (415033)	Books	$500,000	
040-04000 (415034)	Materials and Supplies	$50,000	
001-00501 (415032)	Temporary Salaries		$776,121
001-00501 (415035)	Temporary Salaries		$776,121
	Total Public Library Preservation Fund	$1,552,242	$1,552,242

RI 5/29

Section 2. Although the City has incurred no legal obligation under the Charter, the Board of Supervisors does hereby appropriate the funds necessary for the obligation and does hereby ratify the action previously taken.

APPROVED AS TO FORM
LOUISE H RENNE, CITY ATTORNEY

BY
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE
EDWARD M HARRINGTON
CONTROLLER

BY

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JUL 0 2 1996

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Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
June 3, 1996	§	June 10, 1996
	§	
	§	
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki	§	Ayes: Supervisors Alioto Ammiano Brown Hsieh Kaufman Leal Shelley Teng Yaki
	§	
	§	
Absent: Supervisor Teng	§	Absent: Supervisors Bierman Katz

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
101-95-83

JUN 11 1996

Date Approved

Mayor

FILE NO. 101-95-84
(Government Funding)

ORDINANCE NO. 231-96

RO#95215
SA#97

AMENDING THE 1995-96 ANNUAL APPROPRIATION ORDINANCE BY APPROPRIATING $656,083 OF AB 818 STATE LOAN REVENUE, $373,261 OF PRIOR ASSESSOR'S SYSTEM PROJECT SURPLUS AND $2,302,886 FROM THE GENERAL FUND RESERVE (ESTABLISHED FROM THE 1994-95 ONE-TIME ACCOUNTING ADJUSTMENT) TO A PROJECT TO PROVIDE AN INTEGRATED ASSESSOR'S PROPERTY TAX SYSTEM (INPACT) INCLUDING SALARIES AND FRINGE BENEFITS FOR TWO NEW STAFF POSITIONS, EQUIPMENT, SERVICES OF OTHER DEPARTMENTS (ISD) AND PROFESSIONAL SERVICES; WITH THE INTENT THAT THE GENERAL FUND BE PAID BACK $1,300,000 FROM ADDITIONAL STATE LOAN REVENUE OVER THE NEXT TWO YEARS, PLACING $300,000 ON RESERVE.

Be it ordained by the people of the City and County of San Francisco

Section 1. Funds are hereby appropriated for FY 1995-96 as follows

Department and Number	Source of Funds and Purpose of Appropriation	Amount Debit	Amount Credit
1G-AGF-ACP	**General Fund - Continuing Project**		
UN-UNA	General Fund Unallocated		
999-09799 (*CON1GAGFAAA)	General Fund Reserve	$2,302,886	
400-44929 (995031)	Misc Subventions	$656,083	
GE-GEN	General City Responsibilities		
021-02700 (975039)	Professional Services	$373,261	
AS-ASR	Assessor		
CAS818	State of California AB818 Loan Program		
001-00101 (020009)	Permanent Salaries		$223,899
013-01901	Mandatory Fringe Benefits		$44,773
021-02700	Professional Services		$1,514,000
060-06000	Equipment Purchase		$749,558
081-081C5	Svcs of Other Departments - ISD		$800,000
	Total	$3,332,230	$3,332,230

Section 2. Funds are appropriated for the creation of Two (2) positions by amendment to the Annual Salary Ordinance (Board of Supervisors File No._____ as follows:

Class No.	Classification Title	Rate	Number of Positions Created
Index Code: 020009; Sub-Object: 00101:			
1821 N	MIS Manager	2297B2793	1
1819 N	MIS Specialist III	1936B2354	1
	Total Positions Created		2

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Section 3. The Board of Supervisors hereby declares its intent is to recover General Fund moneys advanced for the development of the Integrated Property Tax System (INPACT) from subsequent year AB 818 State Loan Funds

Section 4. Funds in the amount of $300,000 for professional services are hereby placed on reserve pending selection of a consultant, to be released by the Budget Committee

APPROVED AS TO FORM
LOUISE H RENNE, CITY ATTORNEY

BY _____
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE
EDWARD M. HARRINGTON
CONTROLLER

BY _____

DEPARTMENT OF HUMAN RESOURCES

BY (SEE FILE FOR SIGNATURE)
DIRECTOR

n:\legcoh\approp\02ad897

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
June 3, 1996	June 10, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki	Ayes: Supervisors Alioto Ammiano Brown Hsieh Kaufman Leal Shelley Teng Yaki
Absent: Supervisor Teng	Absent: Supervisors Bierman Katz

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No.
101-95-84

JUN 11 1996
Date Approved

_____
Mayor

FILE NO. 101-95-85

(Government Funding)

ORDINANCE NO. 232-96

RO#95216
SA#88

APPROPRIATING $1,000,000 OF HETCH HETCHY OPERATING FUNDS TO A CAPITAL IMPROVEMENT PROJECT FOR THE EMERGENCY REPAIR OF THE O'SHAUGHNESSY DAM ROAD AT HETCH HETCHY FOR FISCAL YEAR 1995-96.

Be it ordained by the people of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for FY 1995-1996 as follows:

Department and Number	Source of Funds and Purpose of Appropriation	Amount Debit	Amount Credit
5T-AAA-ACP	**Hetchy Operating- Cont. Project Fund**		
HHP02	Hetchy Hetchy		
999-99999 (XXXXXX)	Fund Balance	$1,000,000	
CUH921-01	O'Shaughnessy Dam Road		
067-06700 (519211)	Capital Improvement Project		$1,000,000
	Total	$1,000,000	$1,000,000

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: [signature]
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:
EDWARD M. HARRINGTON
CONTROLLER

BY: [signature]

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BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
June 3, 1996	June 10, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki	Ayes: Supervisors Alioto Ammiano Brown Hsieh Kaufman Leal Shelley Teng Yaki
Absent: Supervisor Teng	Absent: Supervisors Bierman Katz

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

[signature]
Clerk

File No.
101-95-85

JUN 11 1996
Date Approved

[signature]
Mayor

DOCUMENTS DEPT.

JUL 02 1996

SAN FRANCISCO
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FILE NO. 101-95-86
(Government Funding)

ORDINANCE NO. 233-96
RO#95217
SA#100

APPROPRIATING $80,000 FROM THE GENERAL FUND RESERVE TO PROFESSIONAL SERVICES TO PROVIDE CONSULTING SERVICES AT THE RECREATION AND PARK DEPARTMENT TO ASSIST WITH THE PREPARATION OF FEMA APPLICATIONS CONCERNING STORM DAMAGE FOR FISCAL YEAR 1995-96; PROVIDING FOR RATIFICATION OF ACTION PREVIOUSLY TAKEN.

gj
5/29

Be it ordained by the people of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for FY 1995-96 as follows:

Department and Number	Source of Funds and Purpose of Appropriation	Amount Debit	Amount Credit
IG-AGF-AAA	General Fund		
UN-UNA	General Fund Unallocated		
999-09799 (*CON1GAGFAAA)	General Fund Reserve	$80,000	
RE0201	Recreation and Park		
021-02799 (RECADMIN)	Professional Services		$80,000
	Total	$80,000	$80,000

APPROVED AS TO FORM
LOUISE H. RENNE, CITY ATTORNEY

BY [signature]
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE
EDWARD M. HARRINGTON

BY [signature]
CONTROLLER

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gj
5/29

Section 2. Although the City has incurred no legal obligation under the Charter, the Board of Supervisors does hereby appropriate the funds necessary for the obligation and does hereby ratify the action previously taken.

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
June 3, 1996	§	June 10, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki	§	Ayes: Supervisors Alioto Ammiano Brown Hsieh Kaufman Leal Shelley Teng Yaki
Absent: Supervisor Teng	§	Absent: Supervisors Bierman Katz

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

[signature]
Clerk

File No.
101-95-86

JUN 11 1996
Date Approved

[signature]
Mayor

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FILE NO. 101-95-87

(Government Funding)

ORDINANCE NO. 234-96

RO#95223
SA#95

APPROPRIATING $50,000 TO A CAPITAL PROJECT FOR MISSION STREET LIGHTING, RESCINDING $50,000 FROM A STREET RESURFACING PROJECT FOR THE DEPARTMENT OF PUBLIC WORKS GAS TAX FUND FOR FISCAL YEAR 1995-96, PLACING $50,000 ON RESERVE.

Be it ordained by the people of the City and County of San Francisco

Section 1. Funds are hereby appropriated for FY 1995-1996 as follows

Department and Number	Source of Funds and Purpose of Appropriation	Amount Debit	Amount Credit
2S-GTF-GTF	GASOLINE TAX FUND		
DPW-EN-PY	Public Works - Engineering		
Proj CENTRN-SR2501	DPW-BOE Capital Project		
060-06700 (DPW778084)	Bldg, Structures & Improvement Project	$50,000	
Proj CENTRN-OS2501	Mission Street Lighting		
060-06700 (DPW778084)	Bldg, Structures & Improvement Project		$50,000
	Total	$50,000	$50,000

Supervisors Leal, Bierman

BOARD OF SUPERVISORS

Section 2. Funds in the amount of $50,000 are hereby placed on reserve pending selection of a contractor, to be released by the Budget Committee

APPROVED AS TO FORM
LOUISE H. RENNE, CITY ATTORNEY

BY [signature]
DEPUTY CITY ATTORNEY

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FUNDS AVAILABLE
EDWARD M. HARRINGTON
CONTROLLER

BY [signature]

BOARD OF SUPERVISORS

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cc

Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
June 3, 1996	$	June 10, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki	$	Ayes: Supervisors Alioto Ammiano Brown Hsieh Kaufman Leal Shelley Teng Yaki
	$	
Absent: Supervisor Teng	$	Absent: Supervisors Bierman Katz

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
101-95-87

JUN 1 1 1996
Date Approved

Mayor

FILE NO. 102-95-21 ORDINANCE NO. 235-96

PUBLIC EMPLOYMENT SAL. ORD. AMEND. NO. 17

AMENDING ORDINANCE NO. 256-95 (ANNUAL SALARY ORDINANCE, 1995/96) REFLECTING THE CREATION OF TWO (2) POSITIONS AT ASSESSOR'S OFFICE.

Be it ordained by the people of the City and County of San Francisco:

Section 1. The hereinafter designated section and items of Ordinance No. 256-95 (Annual Salary Ordinance, 1995/96) are hereby amended so that the same shall read as follows:

Department and Number	Source of Funds and Purpose of Appropriation
1G-AGF-ACP AS-ASR 001-00101 (020009)	General Fund-Continuing Project Assessor Permanent Salaries

(Amendment)	No. Pos.	Class and Item No.	Class Title	Compensation Schedule
1 Added	1	1821	N MIS Manager	SC 2297B2793
1 Added	1	1819	N MIS Specialist III	SC 1936B2354

APPROVED AS TO CLASSIFICATION:
DEPARTMENT OF HUMAN RESOURCES

HUMAN RESOURCES DIRECTOR

APPROVED AS TO FORM.
LOUISE H. RENNE, CITY ATTORNEY

By: BSA
DEPUTY CITY ATTORNEY

NO. 17

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading
June 3, 1996

Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki

Absent: Supervisor Teng

Finally Passed
June 10, 1996

Ayes: Supervisors Alioto Ammiano Brown Hsieh Kaufman Leal Shelley Teng Yaki

Absent: Supervisors Bierman Katz

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 102-95-21

JUN 11 1996
Date Approved

Mayor

DOCUMENTS DEPT.
JUL 02 1996
SAN FRANCISCO PUBLIC LIBRARY

FILE NO. 97-96-24 ORDINANCE NO. 236-96

(Public Health)

AMENDING ADMINISTRATIVE CODE BY AMENDING SECTION 16 6-10 THEREOF, ADDING CERTAIN ORGANIZATIONS TO THE MEMBERSHIP LIST OF THE DEPARTMENT OF PUBLIC HEALTH

NOTE Additions or substitutions are underlined

Deletions are indicated by ((double parentheses))

Be it ordained by the People of the City and County of San Francisco

Section 1 Section 16 6-10 of the San Francisco Administrative Code is hereby amended to read as follows

Section 16 6-10 REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS

DEPARTMENT OF PUBLIC HEALTH

American Association of Homes for the Aging

American Association of Nursing Executives

((American College of Hospital Adminstrators))

((American College of Physicians))

((American Correctional Health Services))

American Dietetic Association

American Hospital Association (AHA)

American Industrial Hygiene Association

((American Medical Association))

((American Psychiatric Association))

American Public Health Association

((American Society for Hospital Materials Management))

American Society on Aging

American Systems Management Association

((American Trauma Society))

Association of Bay Area Health Officials

Association of Professionals in Infection Control & Epidemiology

Association of Reproductive Health

((Bay Area County Alcohol Programs))

California Association for Adult Day Services (CAADS)

California Association for Health Services at Home (CAHSAH)

((California Association of AIDS Agencies))

((California Association of County Drug Administrators))

California Association of Homes and Services for the Aging (CAHSA)

((California Association of Homes for the Aging (CAHA)))

((California Association of Hospitals Admitting Managers (CAHAM)))

((California Association of Hospitals and Health Services (CAHHS)))

((California Association of Nutrition Directors for the Elderly))

California Association of Public Hospitals

((California Association of Rehabilitation Facilities (CALARF)))

California Coalition of Rape Crisis Centers

California Conference of Environmental Health Directors

California Conference of Local AIDS Directors

California Conference of Local Directors of Maternal, Child, and Adolescent Health

((California Conference of Local Health Directors))

California Conference of Local Health Officers

California Conference of Local Mental Health Directors (CCLMHD)

((California County Collectors Association))

California Dietetic Association

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California Healthcare Association

California Medical Association

California Public Administrator, Public Guardian, and Public Conservator Association

California Reproductive Health Association

((California Society of Municipal Finance Officers))

Coalition of Agencies Serving the Elderly

((Council of Teaching Hospitals))

((Council of Urban Health Providers))

County Alcohol and Drug Program Administrators Association of California

((County Alcohol Program Administrators Association of California))

County Health Executives Association of California

Emergency Medical Directors Association of California

Emergency Medical Services Agency Administrator of California

Employee Assistance Program Professional Association

Gerontology Society of America

Health Care Financial Management Association

Health Officers Association of California

((Hospital and Community Services of the American Psychiatric Association))

Hospital Council of Northern and Central California

((National AIDS Network))

((National Association for City Drug Coordination))

National Association of County and City Health Officials

National Association of Physician Hospital Organizations

National Association of Public Hospitals

National Computer Security Association (NCSA)

((National Council of Community Mental Health Centers))

((National Environmental Health Association))

National Family Planning and Reproductive Health Association

National Fire Protection Association

National Health Care for the Homeless Council

National Health Lawyers Association

((National Organization for Victims Assistance))

National Safety Council

((North American Association of Alcoholism Programs))

Northern California Oracle Users Group

Oracle Developer Programme

Planned Parenthood Affiliates

SafetyBeltSafe U.S.A.

~~SafetyBeltSafe U.S.A.~~

San Francisco Community Clinic Consortium

San Francisco County Medical Society

((San Francisco Hospital Association))

Society of Public Health Educators

((The HealthCare Forum))

((U.S. Conference of City Health Officers))

((West Bay Hospital Association))

West Bay Hospital Conference

((Western Association of Hospitals))

APPROVED AS TO FORM
LOUISE RENNE, CITY ATTORNEY

BY _____
PAULA JESSON
Deputy City Attorney

RECOMMENDED
HEALTH COMMISSION

BY _____
Sandy Ouye Mori
Health Commission

_____ MD
SANDRA HERNÁNDEZ, M D
Director of Health

Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
June 3, 1996	$	June 10, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki	$	Ayes: Supervisors Alioto Ammiano Brown Hsieh Kaufman Leal Shelley Teng Yaki
Absent: Supervisor Teng	$	Absent: Supervisors Bierman Katz

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No.
97-96-24

JUN 1 1 1996
Date Approved

_____
Mayor

BOARD OF SUPERVISORS

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FILE NO. 97-96-34 ORDINANCE NO. 237-96

[Seismic Safety Loan Program]

AMENDING SECTIONS 66A.3, 66A.9. 66A.17, 66A.19, 66A.22 and 66A.23 OF THE SAN FRANCISCO ADMINISTRATIVE CODE REGARDING PERMISSIBLE LOAN PACKAGERS; PERMISSIBLE LIFE/SAFETY IMPROVEMENT COSTS; PAYMENT OF FINANCIAL CONSULTANT FEES; APPLICABILITY OF BASE WAGE REQUIREMENTS; APPLICABILITY OF PREVAILING WAGE REQUIREMENTS; AND APPLICABILITY OF ECONOMICALLY DISADVANTAGED HIRE REQUIREMENTS.

Note: Additions are underlined; deletions are in ((double parentheses)).

Be it ordained by the people of the City and County of San Francisco:

Section 1. Section 66A.3 of the San Francisco Administrative Code is amended to read as follows:

SEC. 66A.3. PROGRAM PERSONNEL. In addition to the Program Administrator and Loan Committee, as further described in this Chapter 66A, the following individuals or entities shall assist in the operation of the Program. Each individual/entity shall be selected through a request for proposals process to be conducted by the UMB Program Administrator. The City shall enter into agreements to obtain the services of such individuals and/or entities according to applicable City procedures and subject to all required City approvals.

///

(1) **Loan Packager.** The loan packager(s) ((shall)) may be private lender(s) or financial consultant(s), as approved by the Program Administrator (collectively, the "Loan Packager"). The duties of the Loan Packager are described in Section 66A.11, below.

(2) **Financial Consultant.** The financial consultant ("Financial Consultant") shall perform the duties described in Sections 66A.13 and 66A.17, below.

(3) **Loan Servicer.** The Loan Servicer shall be a private lender and/or loan servicer ("Loan Servicer"). The duties of the Loan Servicer are described in Section 66A.18, below.

Section 2. Section 66A.9 of the San Francisco Administrative Code is amended to read as follows:

SEC. 66A.9. ELIGIBLE USES OF LOAN PROCEEDS. (1) **Seismic Rehabilitation Costs.** The principal amount of any Seismic Safety Loan may be used to pay the following costs, provided such costs are necessary for seismic safety reasons or legally required for completion of Seismic Strengthening or occupancy of a UMB:

(a) Seismic Strengthening of UMBs;

(b) Soft costs directly associated with the Seismic Strengthening, including but not limited to architectural fees, engineering fees, development of tenant protection plans, loan packaging fees, permit fees and escrow and closing fees and costs;

///

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(c) Replacement and/or restoration of finishes disturbed during performance of the Seismic Strengthening to their condition existing as of the date of commencement of the Seismic Strengthening;

(d) Remediation or reduction of toxic materials disturbed during Seismic Strengthening in accordance with applicable federal, state or local laws; and

(e) Residential tenant relocation costs, as required by applicable laws.

(2) **Life/Safety Code Compliance and Disability Access.** Up to 25 percent of the ((principal amount)) seismic construction hard costs portion of any Seismic Safety Loan may be used, to the extent legally required for completion of the Seismic Strengthening of or to permit occupancy of a Property, to pay costs of improvements to the Property to protect the life or safety of or to provide legally required disability access for occupants of the Property. In the event the Program Board determines that greater than 25 percent of the amount of a Seismic Safety Loan is generally requested to complete the work described in this Section 66A.9(2), the Program Board may recommend to the Board of Supervisors that this section be amended to increase the 25 percent cap.

Section 3. Section 66A.17 of the San Francisco Administrative Code is amended to read as follows:

///

SEC. 66A.17. LOAN DISBURSEMENTS AND MONITORING BY FINANCIAL CONSULTANT. (1) **Disbursement of Bond Proceeds to Financial Consultant.** The City's Treasurer shall be responsible for disbursing to the Financial Consultant, from Bond Proceeds, the monies needed in connection with the close of any Seismic Safety Loan. Such disbursements shall be made from time to time or upon the close of a Seismic Safety Loan, as determined by the Treasurer.

(2) **Duties of Financial Consultant.** In addition to the duties described in Section 66A.13, above, the Financial Consultant shall be responsible for disbursement of Seismic Safety Loan proceeds and monitoring construction progress. In addition, the Financial Consultant shall work with those departments or individuals designated by the Program Administrator to monitor compliance with all applicable loan documents, Administrative Code Chapters 66 and 66A, and all other applicable state and local laws, except as provided in Section 66A.24, below. The Financial Consultant shall disburse loan proceeds to the Borrower in accordance with disbursement procedures specified in the Program Regulations. Such guidelines shall, at a minimum, require the Financial Consultant or his/her agent to periodically inspect the progress of Seismic Strengthening and to disburse loan proceeds based on the level of completion.

(3) **Financial Consultant Fees.** The City ((shall)) may pay required fees to the Financial Consultant from the Bond Proceeds.

Section 4. Section 66A.19 of the San Francisco Administrative Code is amended to read as follows:

SEC. 66A.19. BASE WAGES. Except in cases where prevailing wages are paid pursuant to Section 66A.20, all ((All)) individuals performing work financed in whole or part by a Seismic Safety Loan shall be paid not less than $9.00 per hour, excluding overhead and benefits.

Section 5. Section 66A.22 of the San Francisco Administrative Code is amended to read as follows:

SEC. 66A.22. HEALTH INSURANCE. Except in cases where prevailing wages are paid pursuant to Section 66A.20, construction ((Construction)) contractors performing work financed in whole or part by a Seismic Safety Loan shall provide to their employees and their employees' dependents health coverage of a type and cost similar to that generally provided by a Health Maintenance Organization or Kaiser Hospitals, as will be more specifically described in the Program Regulations, until such time as a national health service plan applicable to such individuals is implemented by the federal government. Guidelines regarding the cost and type of health coverage required by this Section shall be specified in the Program Regulations. The cost for such coverage shall be borne solely by the contractor; provided that dependent coverage shall be

offered to the employee under the Health Maintenance Organization's plan at the employee's expense.

Section 6. Section 66A.23 of the San Francisco Administrative Code is amended to read as follows:

SEC. 66A.23. ECONOMICALLY DISADVANTAGED HIRE REQUIREMENT. (1) According to a program to be more fully described in the Program Regulations, in cases where the total principal amount of a Seismic Safety Loan is equal to or greater than $200,000, Borrowers shall require that their contractors performing work financed in whole or part by a Seismic Safety Loan hire economically disadvantaged individuals to comprise no less than 25 percent of each contractor's total construction work force, measured in labor hours. For purposes of this Section 66A.23, an "economically disadvantaged individual" means an individual who earns no more than 25 percent of median income for the San Francisco Metropolitan Statistical Area, as determined by the United States Department of Housing and Urban Development from time to time. The Program Administrator will collaborate with a consortium of tax-exempt nonprofit community-based employment agencies, to be designated in the Program Regulations, to refer and place these economically disadvantaged persons.

(2) In cases where the total principal amount of a Seismic Safety Loan is less than $200,000, it shall be a goal that 25 percent of

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the contractors new hires be economically disadvantaged individuals, as defined above.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: _____
Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
June 3, 1996	June 10, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki	Ayes: Supervisors Alioto Ammiano Brown Hsieh Kaufman Leal Shelley Teng Yaki
Absent: Supervisor Teng	Absent: Supervisors Bierman Katz

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No.
97-96-34

JUN 11 1996
Date Approved

_____
Mayor

FILE NO. 121-96-7 ORDINANCE NO. 238-96

(Filing & License Fees for Police Permits)

AMENDING PART II, CHAPTER VIII OF THE SAN FRANCISCO MUNICIPAL CODE (POLICE CODE) BY AMENDING SECTIONS 2.26, 2.26.1, 2.27 and 2.27.1 RELATING TO PERMIT FILING FEES AND PERMIT LICENSE FEES.

Note: Additions or substitutions are indicated by underlining; deletions are indicated by ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Part II, Chapter VII of the San Francisco Municipal Code (Police Code) is hereby amended by amending Sections 2.26, 2.26.1, 2.27 and 2.27.1 thereof, to read as follows:

SEC. 2.26. SCHEDULE OF PERMITS AND FILING FEES. The following filing fees, payable in advance to the Police Department, are required when submitting applications for permits to the Police Department:

POLICE DEPARTMENT

TYPE OF PERMIT		FILING FEE
Permit Amendment/Additional Partner	((($60))	$61
Amusement Park	((565))	707
Antique Shop	((422))	451
Auto Wrecker	((512))	547
Ball or Ring Throwing Games	((365))	390
Balloon and Kite Advertising	((275))	295
Billiard Parlor	((337))	357
Bingo Games		50
Amendment to Permit		50
Cabaret	((754))	908
Amendment to Permit		500
Circus	((406))	538
Closing-Out Sale	((294))	313
Dance Hall Keeper	((754))	1108
Amendment to Permit		500
One Night Dance	((28))	30
Dealer in Firearms and/or Ammunition	((564))	706
Renewal	((170))	182
Discharge of Cannon	((234))	251
Distributor of Advertising		
Class A	((374))	397
Class B	((327))	348
Driverless Auto Rental	((445))	478
Encounter Studio		
Owner	((460))	537
Employee	((144))	153

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Escort Service		
Owner	((505))	537
Employee	((144))	153
Funeral Procession Escort	((160))	170
Insignia and Uniform		10
General Soliciting Agent	((180))	191
Itinerant Show	((428))	562
Itinerant Show/Non Profit		100
Junk Dealer	((617))	763
Junk Gatherer		
Resident	((325))	348
Non-resident	((263))	280
Licensed Tour Guide	((194))	206
Loudspeaker		
Commercial	((300))	315
Non-commercial	((35)) ~~((30))~~	37 ~~35~~
Vehicle	((300))	315
Masked Ball	((499))	637
Massage Establishment	((1,144))	1,323
Masseur/Masseuse	((144))	153
Trainee	((144))	153
Mechanical Amusement Devices	((400))	430
Mechanical Contrivance	((400))	430
Miniature Golf Course	((430))	456

8)
5/29

Mobile Caterer	((485))	622
Additional Stop	((55)	58
Assistant	((55))	58
Transfer of Stop	((45))	48
Museum	((458))	489
Nude Models in Public Photographic Studio		
Owner	((526))	562
Employee	((144))	153
Off Heliport Landing Site	((365))	384
Outcall Massage	((340))	362
Pawnbroker	((569))	607
Peddler		
Fish, Vegetables, Fruit	((305))	428
Food for Human Consumption	((305))	428
Non Food	((245))	262
Employee	((55))	58
Pedicab Driver	((55))	58
Pedicab Owner		
First Pedicab	((265))	282
Each Additional Pedicab	((60))	64
Photographer, Public Place		
Owner	((318))	337
Solicitor	((55))	58

Photographic Solicitor		
Owner	((318))	337
Employee	((55))	58
Place of Entertainment	((754))	1,108
Amendment to Permit		500
Poker	((580))	724
Amendment to Permit	((60))	63
Public Bathhouse	((743))	897
Public Outcry Sales	((395))	423
Pushcart Peddler	((365))	497
Recreational Equipment Vendor	((305))	321
Rodeo Exhibition/Wild West Show	((415))	551
Second Hand Dealer	((422))	451
Second Hand Dealer, Auto Accessories	((422))	451
Shooting Gallery	((540))	576
Skating Rink	((438))	572
Street Photographer		
Owner	((270))	287
Solicitor	((165))	175
Tow Car Driver	((141))	150
Trade-In Dealer	((422))	451
Valet Parking		
Fixed Location	((287))	405
Annual Special Event	((155))	265
Vehicle for Hire, Non motorized	((365))	488

Sec. 2.26.1. SCHEDULE OF PERMITS AND FILING FEES. Notwithstanding the provisions of Section 1085 of this Code, the following filing fees, payable in advance to the Police Department, are required when submitting applications for Motor Vehicle for Hire permits to the Police Department.

TYPE OF PERMIT	FILING FEE	
Color Scheme Change	$ ((65))	68
Interurban Bus	((256))	268
Jitney Bus Driver	((50))	53
Jitney Bus Owner	((256))	268
Limousine	((256))	268
Motorized Rickshaw	((256))	268
Public Passenger Vehicle Driver	((50))	53
Sightseeing Bus	((256))	268
Taxicab	((256))	268
Taxicab Radio Dispatch Service	((321))	347

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SEC. 2.27. SCHEDULE OF LICENSE FEES FOR PERMITS ISSUED BY THE POLICE DEPARTMENT. The following license fees are payable to the Tax Collector for permits issued by the Police Department and, when applicable, for their renewal:

NOTE: All license fees are at an annual rate unless otherwise indicated.

TYPE OF PERMIT	LICENSE FEE	
((Advertising Vehicle	$115))	
Amusement Park	((224))	$245
Antique Shop	((38))	40
Auto Wrecker	((294)	299
Ball or Ring Throwing Games	((98))	101
Balloon and Kite Advertising	((53))	55
	per quarter	
Billiard Parlor		
1st Table	((90))	95
Each Additional Table	((8))	9
Bingo Game		50
Cabaret	((250))	263
Circus	((198))	208
	per day	
Dance Hall Keeper	((250))	268
Dealer in Firearms and/or Ammunition	((272))	286
Discharge of Cannon	((29))	31
	per day	
Distributor of Advertising		
Class A	((81))	85
Class B	((21))	22
Driverless Auto Rental	((194))	204
Encounter Studio		
Owner	((308))	323
Employee	((34))	36
Escort Service		
Owner	((311))	327
Employee	((54))	57
Funeral Procession Escort	((69))	73
General Soliciting Agent	((53))	56
Itinerant Show, Each Concession	((26))	27
	per day	
Junk Dealer	((328))	344

Junk Gatherer		
Resident	((62))	65
Non resident	((62))	65
Licensed Tour Guide	((92))	97
Loudspeaker, Commercial	((97))	102
Masked Ball	((140))	147
	per day	
Massage Establishment	((334))	351
Masseur/Masseuse	((54))	57
Trainee	((54))	57
	per 90-day permit	
Mechanical Amusement Devices		
First Machine	((137))	144
Each Additional Machine	((21))	22
Mechanical Contrivance		
First Machine	((137))	144
Each Additional Machine	((21))	22
Miniature Golf Course	((99))	104
Mobile Caterer	((420))	441
Assistant	((29))	31
Museum	((124))	130

Nude Models in Public Photography Studio		
Owner	((294))	309
Employee	((54))	57
Off Heliport Landing Site	((23))	24
	per day	
Outcall Massage	((284))	298
Pawnbroker	((323))	339
Peddler		
Fish, Vegetables, Fruit	((450))	473
Food for Human Consumption	((450))	473
Non Food	((120))	126
Employee	((48))	51
Pedicab Driver	((16))	17
Pedicab Owner		
First Pedicab	((200))	210
Each Additional Pedicab	((100))	105
Photographer, Public Place		
Owner	((124))	130
Solicitor	((47))	50
Photographic Solicitor		
Owner	((100))	105
Employee	((47))	50
Place of Entertainment	((250))	263
Poker	((189))	198
Public Bathhouse	((263))	276

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Public Outcry Sales	((177))	186
Pushcart Peddler	((450))	473
Recreational Equipment Vendor	((189))	198
Rodeo Exhibition/Wild West Show	((90))	95 per day
Second Hand Dealer	((38))	40
Second Hand Dealer, Auto Accessories	((38))	40
Shooting Gallery	((98))	103
Skating Rink	((216))	227
Street Photographer		
Owner	((100))	105
Solicitor	((48))	51
Tow Car Driver	((20))	21
Trade-In Dealer	((370))	389
Valet Parking		
Fixed Location	((160))	168
Annual Special Event	((100))	105
Vehicle for Hire, Non-motorized	((100))	105

Sec. 2.27.1. SCHEDULE OF LICENSE FEES FOR MOTOR VEHICLE FOR HIRE PERMITS ISSUED BY THE POLICE DEPARTMENT. Notwithstanding the provisions of Section 1085 of this Code, the following license fees are payable to the Tax Collector for permits issued by the Police Department and, when applicable, for their renewal.

Note: All license fees are at an annual rate unless otherwise indicated.

TYPE OF PERMIT	LICENSE FEE	
Interurban Bus	((264))	$277
Jitney Bus Driver	((55))	58
Jitney Bus Owner	((264))	277
Limousine	((264))	277
Motorized Rickshaw	((264))	277
Public Passenger Vehicle Driver	((27))	29
Sightseeing Bus	((264))	277
Taxicab Radio Dispatch Service	((330))	346

provided, however, that a credit of $((192))208 shall be allowed against the fee for each taxicab licensed by an operator who has agreed to participate throughout the permit year in the Paratransit Program referred to in Section 1135 of this Code.

APPROVED AS TO FORM:

LOUISE M. RENNE, City Attorney

Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
June 3, 1996	June 10, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki	Ayes: Supervisors Alioto Ammiano Brown Hsieh Kaufman Leal Shelley Teng Yaki
Absent: Supervisor Teng	Absent: Supervisors Bierman Katz

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 121-96-7

JUN 11 1996

Date Approved

Mayor

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[Summer Youth Employment Credit for Payroll and Business Taxes]

AMENDING PART III, ARTICLES 12-A (THE PAYROLL EXPENSE TAX ORDINANCE) AND 12-B (THE BUSINESS TAX ORDINANCE) OF THE MUNICIPAL CODE TO ADD SECTIONS 906-C AND 1005.7, RESPECTIVELY, TO PROVIDE FOR CREDITS AGAINST THOSE TAXES FOR BUSINESSES HIRING YOUTHS BETWEEN THE AGES OF 14 AND 21 FOR THE SUMMER; AND PROVIDING THAT THE PROVISIONS OF THESE CREDITS EXPIRE ON DECEMBER 31, 2001

Note: All language is new.

Be it ordained by the People of the City and County of San Francisco:

Section 1: Part III, Article 12-A of the Municipal Code is amended by the addition of the following section 906-C:

906-C. SUMMER YOUTH EMPLOYMENT TAX CREDIT. (a) Purpose. The purpose of this provision is to increase the number of youth employed during the summer, without displacing current jobs, within the City and County of San Francisco by providing an incentive for businesses to create such temporary summer jobs for youth, with an emphasis on disadvantaged youth.

(b) General Rule.

(1) Any person subject to the tax under Article 12-A of Part III of the Municipal Code shall be allowed a credit against such tax

for each Summer Job created; however, in no event shall the tax credit reduce a taxpayer's liability for such tax to less than zero. Each taxpayer claiming the credit shall file with the Tax Collector, on a form prescribed by the Tax Collector, an affidavit under penalty of perjury attesting to the facts required by the Tax Collector to establish the taxpayer's entitlement to the tax credit consistent with this Section and regulations adopted by the Tax Collector. In no event shall the credit be provided for any work performed before the second Sunday in May or after the second Sunday of September of the calendar year.

(2) Amount of credit. The amount of the Summer Youth Jobs Tax Credit for any given year, subject to the conditions below, shall be a percentage of the additional Payroll Expense Tax that otherwise would be due (assuming for this purpose that the Business Tax does not apply) for an individual hired after May 12, 1996 for a job qualifying for the credit based on the status of the employee as disadvantaged or not disadvantaged.

Disadvantaged	100%
Not Disadvantaged	50%

(3) A summer job as defined in this section shall not constitute a job performed by a predecessor employee; provided that a prior year's Summer Job shall not be considered a job performed by a predecessor employee.

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(c) Definitions. The following definitions shall apply to terms used in this section.

(1) "Summer Job" means any new job created after the second Monday of May of the calendar year and before July 1 of that calendar year. A job, in addition to its ordinary definition, also includes internships, clerkships, and apprenticeships.

(2) "Youth" means any individual who, during the duration of the credit period is between the age of 14 and 21.

(3) "Disadvantaged Youth" means any Youth whose family income is not greater than 80% of median family income as provided in the most recently published estimate of median family income for San Francisco by the United States Department of Housing and Urban Development or any successor agency.

(d) Small Business Tax Exemption: If, after the Summer Youth Jobs Tax Credit, the net tax does not exceed $2,500, and the taxpayer is a "small business enterprise" as defined in Section 905 A of this Article 12-A, Part II of the Municipal Code, the taxpayer shall be exempt from taxation under this ordinance. Solely for the purpose of determining the Summer Youth Jobs Credit in the preceding sentence, it shall be presumed that all Youths are Disadvantaged Youths.

(e) Special Regulations. The Tax Collector is directed to formulate, issue, and enforce rules and regulations relating to

the application of this Section including provisions which provide penalties due to fraud, any underpayment of tax, or an intent to evade this ordinance or authorized rules and regulations. The Board of Review, consisting of the Chief Administrative Officer, the Controller and the Assessor, and as provided for in Section 913 of this Code, shall approve, modify or disapprove the rules and regulations prescribed by the Tax Collector pursuant to this ordinance. Any rules and regulations adopted by the Tax Collector shall also be approved by the City Attorney, and further provided that any modifications determined by the Board of Review shall be approved as to legal form by the City Attorney. The rules and regulations shall become effective 30 days after receipt by the Clerk of the Board, unless the Board of Supervisors disapproves or modifies the regulations. The Board of Supervisors' determination to modify or disapprove a rule or regulation submitted by the Tax Collector pursuant to this ordinance shall not impair the ability of the Tax Collector to submit the same or a similar rule or regulation to the Board of Supervisors if the Tax Collector determines it is necessary to effectuate the purpose of this ordinance.

(f) Report on Effect of Tax Credit. The Tax Collector shall submit a report to the Board of Supervisors on or before May 31, 1997, and on the May 31 of every fiscal year thereafter for which the tax credit is available, which evaluates the effect of the tax credit on employment and local tax revenues. The Tax Collector shall also make available to the Board of Supervisors

the aggregate information of the dollar value of the Summer Youth Employment Tax credits claimed each year by businesses.

(g) Expiration. The Summer Youth Jobs Tax Credit provided in this Section shall expire on December 31, 2001, unless the Board of Supervisors extends the credit.

Section 2: Part III, Article 12-B of the Business Tax Ordinance shall be amended by adding the following section 1005.7:

1005.7. SUMMER YOUTH EMPLOYMENT TAX CREDIT. (a) Any person liable for the tax under this Article by virtue of section 1026.1 of Part III of the Municipal Code, article 12-B shall be entitled to a credit against the tax due under this ordinance in the amount of the credit that he or she would have been entitled to under section 906-C of Part III, Article 12-A of the Municipal Code against the Payroll Expense Tax Ordinance had section 917.1 of that ordinance not been in effect.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By _____
Claude F. Kolm
Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
June 3, 1996	June 10, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki	Ayes: Supervisors Alioto Ammiano Brown Hsieh Kaufman Leal Shelley Teng Yaki
Absent: Supervisor Teng	Absent: Supervisors Bierman Katz

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No. 127-96-5

JUN 11 1996
Date Approved

_____
Mayor

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JUL 02 1996

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FILE NO. 93-94-22.2 ORDINANCE NO. 240-96

(MEMORANDUM OF UNDERSTANDING)

AMENDING ORDINANCE NO. 331-94 TO IMPLEMENT THE PROVISIONS OF A MEDIATED SETTLEMENT DATED APRIL 24, 1996 BETWEEN THE UNION OF AMERICAN PHYSICIANS AND DENTISTS FOR BARGAINING UNIT 8CC AND THE CITY AND COUNTY OF SAN FRANCISCO FOR THE PERIOD JULY 1, 1996 THROUGH JUNE 30, 1997.

Be it ordained by the People of the City and County of San Francisco.

Section 1. Pursuant to Charter sections 8.409 et seq. the Board of Supervisors hereby implements those provisions within the Board of Supervisors charter authority of the mediated settlement dated April 24, 1996 between the Union Of American Physicians and Dentists and the City and County of San Francisco to be effective July 1, 1996 through June 30, 1997. A copy of the mediated settlement so implemented is on file in the office of the Board of Supervisors.

APPROVED AS TO FORM

LOUISE H. RENNE
CITY ATTORNEY

JONATHAN V. HOLTZMAN
SPECIAL ASSISTANT TO
THE CITY ATTORNEY

Supervisor Shelley

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
June 10, 1996	§	June 17, 1996
Ayes: Supervisors Alioto Ammiano Brown Hsieh Kaufman Leal Shelley Teng Yaki	§	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki
Absent: Supervisors Bierman Katz	§	Absent: Supervisor Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 93-94-22.2

JUN 19 1996
Date Approved

Mayor

DOCUMENTS DEPT.
JUL 25 1996
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FILE NO. 93-94-23.2 ORDINANCE NO. 241-96

(MEMORANDUM OF UNDERSTANDING)

AMENDING ORDINANCE NO. 331-94 TO IMPLEMENT THE PROVISIONS OF A MEDIATED SETTLEMENT DATED APRIL 24, 1996 BETWEEN THE UNION OF AMERICAN PHYSICIANS AND DENTISTS FOR BARGAINING UNIT 11AA AND THE CITY AND COUNTY OF SAN FRANCISCO FOR THE PERIOD JULY 1, 1996 THROUGH JUNE 30, 1997.

Be it ordained by the People of the City and County of San Francisco.

Section 1. Pursuant to Charter sections 8.409 et seq. the Board of Supervisors hereby implements those provisions within the Board of Supervisors charter authority of the mediated settlement dated April 24, 1996 between the Union Of American Physicians and Dentists and the City and County of San Francisco to be effective July 1, 1996 through June 30, 1997. A copy of the mediated settlement so implemented is on file in the office of the Board of Supervisors.

APPROVED AS TO FORM

LOUISE H. RENNE
CITY ATTORNEY

JONATHAN V. HOLTZMAN
SPECIAL ASSISTANT TO
THE CITY ATTORNEY

Supervisor Shelley

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
June 10, 1996	§	June 17, 1996
Ayes: Supervisors Alioto Ammiano Brown Hsieh Kaufman Leal Shelley Teng Yaki	§	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki
Absent: Supervisors Bierman Katz	§	Absent: Supervisor Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 93-94-23.2

JUN 19 1996
Date Approved

Mayor

DOCUMENTS DEPT.
JUL 25 1996
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FILE NO. 93-94-29.2 ORDINANCE NO. 242-96

AMENDING ORDINANCE NO. 341-94 TO IMPLEMENT AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE SERVICE EMPLOYEES INTERNATIONAL UNION, AFL-CIO, LOCALS 790, 535 AND 250 AND THE CITY AND COUNTY OF SAN FRANCISCO INCREASING COMPENSATION FOR CLASSIFICATIONS 9202 AIRPORT COMMUNICATIONS DISPATCHER AND 9203 SENIOR AIRPORT COMMUNICATIONS DISPATCHER TO BE EFFECTIVE FOR THE PERIOD JULY 1, 1996 THROUGH JUNE 30, 1997.

Be it ordained by the People of the City and County of San Francisco:

Section I. The Board of Supervisors hereby adopts an Amendment to the Memorandum of Understanding between the Service Employees International Union, AFL-CIO, Locals 250, 790, 535 and the City and County of San Francisco increasing compensation for classifications 9202 Airport Communications Dispatcher and 9203 Senior Airport Communications Dispatcher to be effective for the period July 1, 1996 through June 30, 1997.

The amendment so implemented is on file in the office of the Board of Supervisors.

APPROVED AS TO FORM

LOUISE H. RENNE
City Attorney

Deputy City Attorney
BOARD OF SUPERVISORS

Supervisor Shelley

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
June 10, 1996	June 17, 1996
Ayes: Supervisors Alioto Ammiano Brown Hsieh Kaufman Leal Shelley Teng Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki
Absent: Supervisors Bierman Katz	Absent: Supervisor Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 93-94-29.2

JUN 19 1996
Date Approved

Mayor

DOCUMENTS DEPT.
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FILE NO. 93-95-28.2 ORDINANCE NO. 243-96

(MEMORANDUM OF UNDERSTANDING)

ADOPTING AND IMPLEMENTING THE PROVISIONS OF AMENDMENT NUMBER 3 TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE INTERNATIONAL UNION OF OPERATING ENGINEERS STATIONARY, LOCAL 39 AND THE CITY AND COUNTY OF SAN FRANCISCO TO BE EFFECTIVE FOR THE PERIOD JULY 1, 1996 THROUGH JUNE 30, 1998.

Be it ordained by the People of the City and County of San Francisco.

Section 1. The Board of Supervisors hereby implements the provisions of amendment 3 to the Memorandum of Understanding between the International Union of Operating Engineers Stationary, Local 39 and the City and County of San Francisco to be effective July 1, 1996 through June 30, 1998. The provisions so implemented are on file in the office of the Board of Supervisors.

APPROVED AS TO FORM

LOUISE H. RENNE
CITY ATTORNEY

DEPUTY CITY ATTORNEY

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
June 10, 1996	§	June 17, 1996
Ayes: Supervisors Alioto Ammiano Brown Hsieh Kaufman Leal Shelley Teng Yaki	§	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki
Absent: Supervisors Bierman Katz	§	Absent: Supervisor Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 93-95-28.2

JUN 19 1996
Date Approved

Mayor

DOCUMENTS DEPT.
JUL 25 1996
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FILE NO. 93-95-30.1 ORDINANCE NO. 244-96

AN ORDINANCE ADOPTING AND IMPLEMENTING AMENDMENT NUMBER 1 TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPUTY SHERIFF'S ASSOCIATION AND THE CITY AND COUNTY OF SAN FRANCISCO TO CORRECT A CLERICAL ERROR FOR THE PERIOD JULY 1, 1995 THROUGH JUNE 30, 1998.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Board of Supervisors hereby adopts Amendment No. 1 to the Memorandum of Understanding between the Deputy Sheriff's Association and the City and County of San Francisco to correct a clerical error for the period July 1, 1995 through June 30, 1998.

The amendment so adopted is on file in the office of the Board of Supervisors.

APPROVED AS TO FORM

LOUISE H. RENNE
City Attorney

Deputy City Attorney

Supervisor Shelley

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
June 10, 1996	June 17, 1996
Ayes: Supervisors Alioto Ammiano Brown Hsieh Kaufman Leal Shelley Teng Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki
Absent: Supervisors Bierman Katz	Absent: Supervisor Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 93-95-30.1

JUN 19 1996
Date Approved

Mayor

DOCUMENTS DEPT.
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FILE NO. 93-95-50.1 ORDINANCE NO. 245-96

(Memorandum of Understanding)

AMENDING ORDINANCE NO. 381-95 TO IMPLEMENT THE PROVISIONS OF AMENDMENT NUMBER 1 TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN FRANCISCO FIRE FIGHTERS UNION LOCAL 798, IAFF, AFL-CIO FOR BARGAINING UNIT 1 AND THE CITY AND COUNTY OF SAN FRANCISCO TO BE EFFECTIVE FROM THE DATE OF FINAL BOARD APPROVAL THROUGH JUNE 30, 1999.

Be it ordained by the People of the City and County of San Francisco.

Section 1. The Board of Supervisors hereby implements the provisions of Amendment Number 1 to the Memorandum of Understanding between the Fire Fighters Union Local 798, IAFF, AFL-CIO and the City and County of San Francisco for bargaining unit 1, to be effective from the date of final Board approval through June 30, 1999. The provisions so amended and implemented are on file in the office of the Board of Supervisors.

APPROVED AS TO FORM

LOUISE H. RENNE
CITY ATTORNEY

Julie A. Clayton
DEPUTY CITY ATTORNEY
Supervisor Shelley

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
June 10, 1996	§	June 17, 1996
Ayes: Supervisors Alioto Ammiano Brown Hsieh Kaufman Leal Shelley Teng Yaki	§	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki
Absent: Supervisors Bierman Katz	§	Absent: Supervisor Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No. 93-95-50.1

JUN 19 1996
Date Approved

Dianne Feinstein
Mayor

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FILE NO. 93-95-50.2 ORDINANCE NO. 246-96

(Memorandum of Understanding)

AMENDING ORDINANCE NO. 381-95 TO CORRECT CLERICAL ERRORS BY ADOPTING AND IMPLEMENTING THE PROVISIONS OF AMENDMENT NUMBER 2 TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN FRANCISCO FIRE FIGHTERS UNION LOCAL 798, IAFF, AFL-CIO FOR BARGAINING UNIT 1 AND THE CITY AND COUNTY OF SAN FRANCISCO TO BE EFFECTIVE JULY 1, 1995 THROUGH JUNE 30, 1999.

Be it ordained by the People of the City and County of San Francisco.

Section 1. The Board of Supervisors hereby implements the provisions of Amendment Number 2 to the Memorandum of Understanding between the Fire Fighters Union Local 798, IAFF, AFL-CIO and the City and County of San Francisco for bargaining unit 1, to correct clerical errors effective July 1, 1995 through June 30, 1999. The provisions so amended and implemented are on file in the office of the Board of Supervisors.

APPROVED AS TO FORM

LOUISE H. RENNE
CITY ATTORNEY

DEPUTY CITY ATTORNEY

Supervisor Shelley

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
June 10, 1996	§	June 17, 1996
Ayes: Supervisors Alioto Ammiano Brown Hsieh Kaufman Leal Shelley Teng Yaki	§	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki
Absent: Supervisors Bierman Katz	§	Absent: Supervisor Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 93-95-50.2

JUN 19 1996
Date Approved

Mayor

DOCUMENTS DEPT.
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FILE NO. 93-95-51.1 ORDINANCE NO. 247-96

(Memorandum of Understanding)

AMENDING ORDINANCE NO. 382-95 TO IMPLEMENT THE PROVISIONS OF AMENDMENT NUMBER 1 TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN FRANCISCO FIRE FIGHTERS UNION LOCAL 798, IAFF, AFL-CIO FOR BARGAINING UNIT 2 AND THE CITY AND COUNTY OF SAN FRANCISCO TO BE EFFECTIVE FROM THE DATE OF FINAL BOARD APPROVAL THROUGH JUNE 30, 1999.

Be it ordained by the People of the City and County of San Francisco.

Section 1. The Board of Supervisors hereby implements the provisions of Amendment Number 1 to the Memorandum of Understanding between the Fire Fighters Union Local 798, IAFF, AFL-CIO and the City and County of San Francisco for bargaining unit 2, to be effective from the date of final Board approval through June 30, 1999. The provisions so amended and implemented are on file in the office of the Board of Supervisors.

APPROVED AS TO FORM

LOUISE H. RENNE
CITY ATTORNEY

DEPUTY CITY ATTORNEY

Supervisor Shelley

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
June 10, 1996	§	June 17, 1996
Ayes: Supervisors Alioto Ammiano Brown Hsieh Kaufman Leal Shelley Teng Yaki	§	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki
Absent: Supervisors Bierman Katz	§	Absent: Supervisor Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 93-95-51.1

JUN 19 1996
Date Approved

Mayor

DOCUMENTS DEPT.
JUL 25 1996
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FILE NO. 93-95-51.2 ORDINANCE NO. 248-96

(Memorandum of Understanding)

AMENDING ORDINANCE NO. 382-95 TO CORRECT CLERICAL ERRORS BY ADOPTING AND IMPLEMENTING THE PROVISIONS OF AMENDMENT NUMBER 2 TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN FRANCISCO FIRE FIGHTERS UNION LOCAL 798, IAFF, AFL-CIO FOR BARGAINING UNIT 2 AND THE CITY AND COUNTY OF SAN FRANCISCO TO BE EFFECTIVE JULY 1, 1995 THROUGH JUNE 30, 1999.

Be it ordained by the People of the City and County of San Francisco.

Section 1. The Board of Supervisors hereby implements the provisions of Amendment Number 2 to the Memorandum of Understanding between the Fire Fighters Union Local 798, IAFF, AFL-CIO and the City and County of San Francisco for bargaining unit 2, to correct clerical errors to be effective July 1, 1995 through June 30, 1999. The provisions so amended and implemented are on file in the office of the Board of Supervisors.

APPROVED AS TO FORM

LOUISE H. RENNE
CITY ATTORNEY

DEPUTY CITY ATTORNEY

Supervisor Shelley

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
June 10, 1996	June 17, 1996
Ayes: Supervisors Alioto Ammiano Brown Hsieh Kaufman Leal Shelley Teng Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki
Absent: Supervisors Bierman Katz	Absent: Supervisor Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 93-95-51.2

JUN 19 1996
Date Approved

Mayor

DOCUMENTS DEPT.
JUL 25 1996
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FILE NO. 115-95-3.1

~~Amendment of the Whole~~
ORDINANCE NO. 249-96

(Addition of Murals to Landmarks and Structures in Historic Districts.)

AMENDING PART II, CHAPTER II, OF THE SAN FRANCISCO MUNICIPAL CODE (CITY PLANNING CODE) BY AMENDING SECTIONS 1005, 1006, 1006.6 AND 1006.7 TO REQUIRE REVIEW OF MURALS ON LANDMARKS OR IN A HISTORIC DISTRICT.

Note: Additions are underlined; deletions are in ((double parentheses.))

Be it ordained by the People of the City and County of San Francisco:

SECTION 1. The amendments herein are consistent with the Eight Priority Policies of Planning Code Section 101.1(b) as follows:

(1) The proposed amendments should not affect existing neighborhood serving retail uses or future opportunities for resident employment and ownership in such businesses;

(2) Careful review of alterations to historic structures should help to conserve and protect existing residential neighborhoods and areas of mixed residential and commercial uses;

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BOARD OF SUPERVISORS

SUPERVISOR BIERMAN

(3) These amendments should not affect the City's rental housing stock and protection of the City's affordable housing supply;

(4) These amendments would not affect MUNI transit service, traffic or parking;

(5) These amendments should not displace the City's industrial and service sectors;

(6) These amendments should not affect the City's goal to achieve the greatest possible preparedness against injury and loss of life in an earthquake;

(7) These amendments are adopted in order to preserve, rehabilitate and adaptively reuse architecturally significant buildings. The addition of a requirement for a Certificate of Appropriateness for murals, as the placement of murals on architecturally significant buildings may obscure character defining finishes, features and materials of buildings and compromise the integrity of the building and its environment, is the primary reason for adoption of these amendments;

(8) These amendments do not directly address access to sunlight and vistas in public parks and open space.

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BOARD OF SUPERVISORS

SUPERVISOR BIERMAN

DOCUMENTS DEPT.

JUL 25 1996

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SECTION 2. Part II, Chapter II of the San Francisco Municipal Code (City Planning Code) is hereby amended by amending Section 1005 thereof to read as follows:

SEC. 1005. CONFORMITY AND PERMITS. (a) No person shall carry out or cause to be carried out on a designated landmark site or in a designated historic district any construction, alteration, removal or demolition of a structure or any work involving a sign, awning, marquee, canopy, mural or other appendage for which a city permit is required except in conformity with the provisions of this Article 10. In addition, no such work shall take place unless all other applicable laws and regulations have been complied with, and ((a)) any required permit has been issued for said work.

(b) The Central Permit Bureau shall not issue, and no other City department or agency shall issue, any permit for construction, alteration, removal or demolition of a structure or any permit for work involving a sign, awning, marquee, canopy, mural or other appendage on a landmark site or in a historic district, except in conformity with the provisions of this Article 10. In addition, no such permit shall be issued unless all other applicable laws and regulations have been complied with.

(c) (1) Where so provided in the designating ordinance for a historic district, any or all exterior changes visible from a public street or other public place shall require

approval in accordance with the provisions of this Article 10, regardless of whether or not a City permit is required for such exterior changes. Such exterior changes may include, but shall not be limited to, painting and repainting; landscaping; fencing; and installation of lighting fixtures and other building appendages.

(2) The addition of a mural to any landmark or contributory structure in a historic district shall require compliance with the provisions of this Article 10, regardless of whether or not a City permit is required for the mural.

(d) The Department shall maintain with the Central Permit Bureau a current record of designated landmarks and historic districts. Upon receipt of any application for a permit to carry out any construction, alteration, removal or demolition of a structure or any work involving a sign, awning, marquee, canopy, mural or other appendage on a landmark site or in a historic district, the Central Permit Bureau shall, unless the structure or feature concerned has been declared unsafe or dangerous pursuant to Section 1007 of this Article 10, promptly forward such permit application to the Department.

(e) After receiving a permit application from the Central Permit Bureau in accordance with the preceding subsection, the Department shall ascertain whether Section 1006 requires a Certificate of Appropriateness for the work proposed in such permit application. If such Certificate is required

and has been issued, and if the permit application conforms to such Certificate, the permit application shall be processed without further reference to this Article 10. If such Certificate is required and has not been issued, or if in the sole judgment of the Department the permit application does not so conform, the permit application shall be disapproved or held by the Department until such time as conformity does exist; the decision and action of the Department shall be final. Notwithstanding the foregoing, in the following cases the Department shall process the permit application without further reference to this Article 10:

(1) When the application is for a permit to construct on a landmark site where the landmark has been lawfully demolished and the site is not within a designated historic district;

(2) When the application is for a permit to make interior alteration only on a privately owned structure, or on a publicly owned structure unless the designating ordinance requires review of such alterations pursuant to Section 1004(c) hereof;

(3) When the application is for a permit to do ordinary maintenance and repairs only. For the purpose of this Article 10, "ordinary maintenance and repairs" shall mean any work, the sole purpose and effect of which is to correct deterioration, decay or damage, including repair of damage caused by fire or other disaster.

(4) When the application is for a permit to comply with the UMB Seismic Retrofit Ordinances and the Zoning Administrator determines that the proposed work complies with the UMB Retrofit Architectural Design Guidelines, which guidelines shall be adopted by the Planning Commission.

(f) The following procedures shall govern review of the addition of murals to any landmark or contributory structure in a historic district:

(1) Where the mural is proposed to be added to a landmark or contributory structure in a historic district, located on property owned by the City, no Certificate of Appropriateness shall be required. On such structures, the Art Commission shall not approve the mural until the Advisory Board has provided advice to the Art Commission on the impact of the mural on the historical structure. The Advisory Board shall provide advice to the Art Commission within fifty (50) days of receipt of a written request for advice and information regarding the placement, size and location of the proposed mural;

(2) Where the mural is proposed to be added to a landmark or contributory structure in a historic district, located on property which is not owned by the City, a Certificate of Appropriateness shall be required. The Advisory Board shall not act on the Certificate of Appropriateness until the Art Commission has provided advice to the Advisory Board on

the mural. The Art Commission shall provide advice to the Advisory Board within fifty (50) days of receipt of a written request for advice and information regarding the proposed mural.

Section 3. Part II, Chapter II, of the San Francisco Municipal Code is hereby amended by amending Section 1006 thereof to read as follows:

SEC. 1006. CERTIFICATE OF APPROPRIATENESS REQUIRED. In the case of:

(1) Any construction, alteration, removal or demolition of a structure or any work involving a sign, awning, marquee, canopy, mural (as set forth in Planning Code Section 1005(f)), or other appendage, for which a City permit is required, on a landmark site or in a historic district;

((, and))

(2) Exterior changes in a historic district visible from a public street or other public place, where the designating ordinance requires approval of such changes pursuant to the provisions of this Article 10; and ((.))

(3) The addition of a mural to any landmark or contributory structure in a historic district, which is not owned by the City or located on property owned by the City, as set forth in Planning Code Section 1005(f), regardless of whether or not a City permit is required for the mural.

A Certificate of Appropriateness shall be required and shall govern review of permit applications as provided in Section 1005, except in the specific cases set forth in Sections 1005(e) and 1005(f). The procedures, requirements, controls and standards in Sections 1006 through 1006.8 shall apply to all applications for Certificates of Appropriateness; provided, however, that the designating ordinance for a historic district may modify or add to these procedures, requirements, controls and standards.

Section 4. Part II, Chapter II of the San Francisco Municipal Code (City Planning Code) is hereby amended by amending Section 1006.6 thereof to read as follows:

SEC. 1006.6. NATURE OF PLANNING COMMISSION DECISION. The decision of the Planning Commission after its public hearing shall be in accordance with the following provisions:

(a) If the application for a Certificate of Appropriateness proposes construction or alteration of a structure or any work involving a sign, awning, marquee, canopy, mural or other appendage, or exterior changes in a historic district visible from a public street or other public place, the Planning Commission shall approve or disapprove the application in whole or in part.

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(b) If the application proposes removal or demolition of a structure on a designated landmark site, the Planning Commission shall approve the application, or shall suspend action on it for a period not to exceed 180 days; provided that the Board of Supervisors by resolution may, for good cause shown, extend the suspension for an additional period not to exceed 180 days, if the said Board acts not more than 90 days and not less than 30 days prior to the expiration of the original 180-day period.

(c) If the application proposes the removal or demolition of a structure in a designated historic district, other than on a designated landmark site, the Planning Commission shall approve the application, or shall suspend action on it for a period not to exceed 90 days, subject to extension by the Board of Supervisors as provided in the preceding subsection; provided, however, that the designating ordinance for the historic district may authorize the suspension of action for an alternate period which shall in no event exceed 90 days, without extension, and in such event the said provision of the designating ordinance shall govern.

(d) In the event action on an application to remove or demolish a structure is suspended as provided in this section, the Planning Commission, with the advice and assistance of the Advisory Board, may take such steps as it determines are necessary to preserve the structure concerned, in accordance

with the purposes of this Article 10. Such steps may include, but shall not be limited to, consultations with civic groups, public agencies, and interested citizens, recommendations for acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving one or more structures or other features.

Section 5. Part II, Chapter II of the San Francisco Municipal Code (City Planning Code) is hereby amended by amending Section 1006.7 thereof to read as follows:

SEC. 1006.7. STANDARDS FOR REVIEW OF APPLICATIONS. The Planning Commission, the Department, and the Advisory Board shall be guided by the standards in this Section in their review of applications for Certificates of Appropriateness for proposed work on a landmark site or in a historic district. In appraising the effects and relationships mentioned herein, the Planning Commission, the Department and the Advisory Board shall in all cases consider the factors of architectural style, design, arrangement, texture, materials, color, and any other pertinent factors.

(a) The proposed work shall be appropriate for and consistent with the effectuation of the purposes of this Article 10.

//

(b) For applications pertaining to landmark sites, the proposed work shall preserve, enhance or restore, and shall not damage or destroy, the exterior architectural features of the landmark and, where specified in the designating ordinance for a publicly owned landmark, its major interior architectural features. The proposed work shall not adversely affect the special character or special historical, architectural or aesthetic interest or value of the landmark and its site, as viewed both in themselves and in their setting, nor of the historic district in applicable cases.

(c) For applications pertaining to property in historic districts, other than on a designated landmark site, any new construction, addition or exterior change shall be compatible with the character of the historic district as described in the designating ordinance; and in any exterior change, reasonable efforts shall be made to preserve, enhance or restore, and not to damage or destroy, the exterior architectural features of the subject property which are compatible with the character of the historic district. Notwithstanding the foregoing, for any exterior change where the subject property is not already compatible with the character of the historic district, reasonable efforts shall be made to produce compatibility, and in no event shall there be a greater deviation from compatibility. Where the required compatibility exists, the

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application for a Certificate of Appropriateness shall be approved.

(d) For applications pertaining to all property in historic districts, the proposed work shall also conform to such further standards as may be embodied in the ordinance designating the historic district.

(e) For applications pertaining to the addition of murals on a landmark or contributory structure in a historic district, the Advisory Board and the Planning Commission shall consider only the placement, size and location of the mural, to determine whether the mural covers or obscures significant architectural features of the landmark or contributory structure. For purposes of review under this Article 10, the City shall not consider the content or artistic merit of the mural.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
June 10, 1996	$	June 17, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano	$	Ayes: Supervisors Alioto Ammiano
Brown Hsieh Kaufman Leal Shelley	$	Bierman Brown Hsieh Katz Kaufman
Teng Yaki	$	Leal Shelley Yaki
	$	
Absent: Supervisors Bierman Katz	$	Absent: Supervisor Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
115-95-3.1

JUN 19 1996
Date Approved

Mayor

FILE NO. 27-96-6 ORDINANCE NO. 230-96

(Airport Lease Modification)

APPROVING MODIFICATION OF LEASE FOR BANK OF AMERICA NT & SA FINANCIAL SERVICES LEASE BETWEEN BANK OF AMERICA NT & SA AND CITY AND COUNTY OF SAN FRANCISCO, ACTING BY AND THROUGH ITS AIRPORTS COMMISSION.

Be it ordained by the People of the City and County of San Francisco:

SECTION 1. Pursuant to Section 7.402-1 of the Charter, the Board of Supervisors hereby approves Modification To Extend Lease No. 86-0039 for Financial Services between Bank of America NT & SA and the City and County of San Francisco, acting by and through its Airports Commission, copies of which Modification are contained in Board of Supervisors' file number 27-96-6.

The Lease Extension of the Financial Services Lease was approved by the Airports Commission Resolution No. 96-0095 adopted April 2, 1996.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By _____
Deputy City Attorney

Airports Commission

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
June 10, 1996	June 17, 1996
Ayes: Supervisors Alioto Ammiano Brown Hsieh Kaufman Leal Shelley Teng Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki
Absent: Supervisors Bierman Katz	Absent: Supervisor Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No. 27-96-6

JUN 19 1996
Date Approved

_____
Mayor

DOCUMENTS DEPT
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FILE NO. 45-96-30 ORDINANCE NO. 251-96

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF ANTHONY MUSCHI AGAINST THE CITY AND COUNTY OF SAN FRANCISCO for $27,500.00

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "Anthony Muschi v. City and County of San Francisco et al.", Superior Court No. 968071 by the payment of $27,500.00.

APPROVED AS TO FORM:
AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy
Works

RECOMMENDED:

ANN BRANSTON, Acting Dir.
Department of Public Works

FUNDS AVAILABLE:

EDWARD M. HARRINGTON
1G-AGF-AAA 97-09-90
975016 05311 $27,500.00
BOARD OF SUPERVISORS

MAY 08 1996

APPROVED:

WILLIAM LEE

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
June 10, 1996	June 17, 1996
Ayes: Supervisors Alioto Ammiano Brown Hsieh Kaufman Leal Shelley Teng Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki
Absent: Supervisors Bierman Katz	Absent: Supervisor Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
45-96-30

JUN 19 1996
Date Approved

Mayor

DOCUMENTS DEPT.
JUL 25 1996
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FILE NO. 45-96-31

ORDINANCE NO. 252-96

RO#95222

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF THERESE J. WARDE, MARY CLARKE, JOHN CLARKE AND MATTHEW CLARKE AGAINST THE CITY AND COUNTY OF SAN FRANCISCO FOR $200,500.00.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the action entitled "Therese J. Warde vs. Mary Clarke, Howard Watt Williams, C.C.S.F. et al.; Mary Clarke, John Clarke and Matthew Clarke vs. Howard Watt Williams, C.C.S.F. et al., consolidated as Superior Court Action No. 963-673, by the payment of $186,500.00 to Therese J. Warde and the payment of $14,000.00 to Mary Clarke.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Attorney

RECOMMENDED:
SAN FRANCISCO FIRE DEPARTMENT

ROBERT DEMMONS
Fire Chief

FUNDS AVAILABLE:

EDWARD HARRINGHTON
Controller

APPROVED:
FIRE COMMISSION

RAYMOND G. CONNORS, JR.
Secretary

BOARD OF SUPERVISORS 1G-AGF-AAA 97-09-31
975024 05311 $200,500.00

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
June 10, 1996	§	June 17, 1996
Ayes: Supervisors Alioto Ammiano Brown Hsieh Kaufman Leal Shelley Teng Yaki	§	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki
Absent: Supervisors Bierman Katz	§	Absent: Supervisor Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-96-31

JUN 19 1996
Date Approved

Mayor

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FILE NO. 97-96-21 ORDINANCE NO. 253-96

(Access To Electronic Information)

AMENDING CHAPTER 67 OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY AMENDING SECTION 67.21, GOVERNING REQUIREMENTS FOR THE RELEASE AND STORAGE OF INFORMATION STORED IN ELECTRONIC FORM.

NOTE: Additions or substitutions are indicated by underlining.

Be it ordained by the people of the City and County of San Francisco

Section 1. Chapter 67 of the San Francisco Administrative Code is hereby amended by amending Section 67.21 to read as follows:

SEC. 67.21. RELEASE OF DOCUMENTARY PUBLIC INFORMATION. (a) Release of documentary public information, whether for inspection of the original or by providing a copy, shall be governed by the California Public Records Act (Government Code Section 6250 et seq.) in any particulars not addressed by this article.

(b) Inspection and copying of documentary public information stored in electronic form shall be made available to the person requesting the information in any form requested which is available to the department, its officers or employees, including disk, tape, printout or monitor at a charge no greater than the cost of the media on which it is duplicated, plus the direct costs of equipment, supplies and labor costs associated with duplicating the electronic file which is requested. Inspection of documentary public information on a

computer monitor need not be allowed where the information sought is intertwined with information not subject to disclosure under the California Public Records Act and this ordinance. Nothing in this section shall require a department to program or reprogram a computer to respond to a request for information or to release information where the release of that information would violate a licensing agreement or copyright law.

(c) It is the policy of the City and County of San Francisco to utilize computer technology in order to reduce the cost of public records managment, including the costs of collecting, maintaining, and disclosing records subject to disclosure to members of the public under this section. To the extent that it is technologically and economically feasible, departments that use computer systems to collect and store public records shall program and design these systems to ensure convenient, efficient, and economical public access to records.

(d) Departments purchasing new computer systems shall attempt to reach the following goals as a means to achieve lower costs to the public in connection with the public disclosure of records:

(1) Implementing a computer system in which exempt information is segregated or filed separately from otherwise disclosable information.

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(2) Implementing a system that permits reproduction of electronic copies of records in a format that is generally recognized as an industry standard format.

(3) Implementing a system that permits making records available through the largest non-profit, non-proprietary public computer network, consistent with the requirement for security of information.

APPROVED AS TO FORM

LOUISE H. RENNE
City Attorney

By: _____
Deputy City Attorney

BOARD OF SUPERVISORS

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PUBLIC LIBRARY
DOCUMENTS DEPARTMENT
CIVIC CENTER LIBRARY
(2 copies of all Leg.)

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
June 10, 1996	June 17, 1996
Ayes: Supervisors Alioto Ammiano Brown Hsieh Kaufman Leal Shelley Teng Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki
Absent: Supervisors Bierman Katz	Absent: Supervisor Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No.
97-96-21

JUN 19 1996
Date Approved

_____
Mayor

FILE NO. 45-96-35

As amended in Board 6/17/96

ORDINANCE NO. 254-96

RO#95228

[SETTLEMENT OF TAX REFUND LITIGATION]

AUTHORIZING THE CITY ATTORNEY TO SIGN A SETTLEMENT AGREEMENT WITH GTE SPRINT COMMUNICATIONS CORPORATION IN SETTLEMENT OF A REFUND CLAIM IN THE SUM OF $339,865 (CONSISTING OF APPROXIMATELY $227,561 IN TAX TO BE REFUNDED AND $112,304 IN INTEREST) TO BE OFFSET AGAINST GTE SPRING COMMUNICATION CORPORATION'S 1995 TAX LIABILITY OF APPROXIMATELY ~~$210,104~~ $242,910, WITH THE REMAINING APPROXIMATELY ~~$29,761~~ $96,955 TO BE PAID IN CASH NO LATER THAN SEPTEMBER 1, 1996.

Be it resolved by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to enter into a settlement agreement substantially as attached as Exhibit A in order to settle the claim of GTE Sprint Communications Corporation for overpayment of 1983 and 1984 state-assessed property taxes in the total amount of $339,865 by the offset of 1995 tax liability and the payment of approximately ~~$29,761~~ $96,955 to be paid no later than September 1, 1996.

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//

//

//

//

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

APPROVED:

RICHARD SULLIVAN
Tax Collector

RECOMMENDED AND FUNDS AVAILABLE:

EDWARD M. HARRINGTON
Controller

IG-AGF_AAA 97-09-08
975037 05311 $339,865.00

MAY 29 1996

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JUL 25 1996
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Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
June 17, 1996	$	June 24, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano	$	Ayes: Supervisors Alioto Ammiano
Bierman Brown Hsieh Katz Kaufman	$	Bierman Brown Hsieh Katz Kaufman
Leal Shelley Yaki	$	Leal Shelley Yaki
	$	
Absent: Supervisor Teng	$	Absent: Supervisor Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John Taylor
Clerk

File No.
45-96-35

JUN 24 1996
Date Approved

Mayor

ORIGINAL
When Stamped In Red

FILE NO. 45-96-36

ORDINANCE NO. 255-96

RO#95229

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION IN THE MATTER ENTITLED JENSEN v. THE CITY AND COUNTY OF SAN FRANCISCO, ET AL., SUPERIOR COURT NO. 971-309, FOR $80,000.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the action entitled Jensen v. City and County of San Francisco, San Francisco Superior Court Case No. 971-309 by the payment of eighty thousand dollars ($80,000).

APPROVED AS TO FORM
AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

VICKI CLAYTON
Deputy City Attorney
Chief, Labor Team

RECOMMENDED:
SAN FRANCISCO FIRE DEPARTMENT

ROBERT DEMMONS, Chief

APPROVED:
FIRE COMMISSION:

RAYMOND G. CONNERS, JR.
Secretary

FUNDS AVAILABLE:

EDWARD J. HARRINGTON
Controller

1G-AGF-AAA 97-09-31
975024 05311 $80,000.00
JUN 05 1996

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
June 17, 1996	§	June 24, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki	§	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Yaki
Absent: Supervisor Teng	§	Absent: Supervisor Katz Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
45-96-36

JUN 24 1996
Date Approved

Mayor

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FILE NO. 81-95-1 ORDINANCE NO. 256-96

[Alcoholic Beverage Special Use Subdistrict]

ADDING NEW PLANNING CODE SECTION 781.8 IMPOSING PERMANENT ZONING CONTROLS TO PROHIBIT INTRODUCTION OF ADDITIONAL ESTABLISHMENTS, OR ANY EXPANSION OF EXISTING ESTABLISHMENTS, SELLING ALCOHOLIC BEVERAGES IN THE AREA GENERALLY BOUNDED BY FOURTEENTH STREET, CESAR CHAVEZ STREET, POTRERO AVENUE AND GUERRERO STREET.

Be it ordained by the People of the City and County of San Francisco:

[Note: This entire section is new.]

Section 1. This amendment is consistent with the eight Priorities Policies of the Master Plan found in Planning Code section 101.1. This amendment seeks to preserve and encourage neighborhood-serving retail uses as well as housing and neighborhood character, and to improve pedestrian traffic, traffic circulation and neighborhood parking. This amendment is thus consistent with Priority Policies 1-4. This amendment should have no effect on Priority Policies 5-8.

Section 2. The Municipal Code, Part II, Chapter II (Planning Code), shall be amended by adding new section 781.8 thereto to read as follows:

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// SUPERVISORS LEAL, SHELLEY, Kaufman, Alioto, TENG, BIERMAN, AMMIANO, BROWN, KATZ

BOARD OF SUPERVISORS

SEC. 781.8. MISSION ALCOHOLIC BEVERAGE SPECIAL USE SUBDISTRICT. There is an unusually large number of establishments dispensing alcoholic beverages, including beer and wine, for both on-site and off-site consumption in this area. The existence of this many alcoholic beverage establishments appears to contribute directly to numerous peace, health, safety and general welfare problems in the area, including loitering, littering, drug trafficking, prostitution, public drunkenness, defacement and damaging of structures, pedestrian obstructions, as well as traffic circulation, parking and noise problems on public streets and neighborhood lots. The existence of such problems creates serious impacts on the health, safety and welfare of residents of nearby single and multiple-family areas, including fear for the safety of children, elderly residents and of visitors to the area. The problems also contribute to the deterioration of the neighborhood and concomitant devaluation of property and destruction of community values and quality of life. The number of establishments selling alcoholic beverages and the associated problems discourage more desirable and needed commercial uses in the area. In order to preserve the residential character and the neighborhood-serving commercial uses of the area, there shall be a Mission District Alcoholic Beverage Special Use District to prohibit new establishments, or expansion of existing establishments, selling alcoholic

SUPERVISORS LEAL, SHELLEY

BOARD OF SUPERVISORS

DOCUMENTS DEPT.

JUL 25 1996

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beverages for the property in the area generally bounded by Fourteenth Street, Cesar Chavez Street, Potrero Avenue, and Guerrero Street as designated on Sectional Map Numbers 7SU and 8SU.

The following restrictions shall apply within such district:

(a) Prohibition of New Establishments Selling Alcoholic Beverages. No new establishment where alcoholic beverages are sold, served or given away for on-site or off-site consumption, shall be established in this special use district as set forth below:

(1) No new bar, as defined in Planning Code section 790.22, shall be permitted in this special use district;

(2) No new off-sale liquor establishment shall be permitted in the special use district. An "off-sale liquor establishment" shall mean any establishment which has obtained Alcoholic Beverage Control Board License type 20 (off-sale beer and wine) or type 21 (off-sale general) selling alcoholic beverages in an open or a closed container for consumption off the premises. Typical off-sale liquor establishments may include but are not limited to the following: food markets, supermarkets, drug stores, liquors stores, bars and convenience markets.

(b) Prohibition of Expansion of Existing Establishments Selling Alcoholic Beverages. Any establishment selling alcoholic beverages lawfully existing prior to the effective

date of this resolution and licensed by the State of California for the retail sale of alcoholic beverages for on-site and off-site consumption, so long as otherwise lawful, may continue in existence, provided such establishment remains in use, as follows:

(1) In the event that any such establishment ceases to operate or discontinues operation for thirty (30) days or longer as set forth in state law, such use shall be deemed abandoned;

(2) No establishment selling alcoholic beverages may substantially change the mode or character of operation of the establishment, nor may it expand the square footage devoted exclusively to the sale of alcoholic beverages, significantly increase the percentage of alcoholic beverage sales as a portion of total sales, or change its type of retail liquor license within a license classification;

(c) Exception for Bona Fide Restaurant. A bona fide restaurant shall be permitted to serve alcoholic beverages in this special use district. A "bona fide restaurant" shall mean a place which is regularly used and kept open for the service of meals to guests for compensation and which has (A) suitable kitchen facilities for the cooking of an assortment of foods which may be required for meals, (B) a primary use of sit-down service to patrons, (C) adequate seating arrangements for sit-down patrons provided on the premises, (D) take-out service

that is only incidental to the primary sit-down use, (E) alcoholic beverages which are sold or dispensed for consumption on the premises only when served at tables or sit-down counters by employees of the restaurant, and (F) a minimum of fifty-one (51%) percent of the restaurant's gross receipts shall be from the sale of meals. A "bona fide restaurant" does not include any billiard or pool hall, bowling alley, or adult entertainment business as defined in Planning Code section 790.36.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
June 17, 1996	$	June 24, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano	$	Ayes: Supervisors Alioto Ammiano
Bierman Brown Hsieh Katz Kaufman	$	Bierman Brown Hsieh Katz Kaufman
Leal Shelley Yaki	$	Leal Shelley Yaki
	$	
Absent: Supervisor Teng	$	Absent: Supervisor Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
81-95-1

JUN 26 1996
Date Approved

Mayor

FILE NO. 81-95-1.1 ORDINANCE NO. 257-96

(Mission Alcoholic Beverage Special Use Subdistrict SUD Map Change)

AMENDING THE SAN FRANCISCO ZONING MAP TO ESTABLISH THE BOUNDARIES FOR THE MISSION ALCOHOLIC BEVERAGE SPECIAL USE SUBDISTRICT.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Sectional Map Nos. 7SU and 8SU of the Zoning Map are hereby amended to establish the boundaries of the Mission Alcohol Beverage Special Use Subdistrict, in the area generally bounded by Fourteenth Street, Cesar Chavez Street, Potrero Avenue and Guerrero Street, encompassing all of the following blocks: 3546; 3547; 3548; 3549; 3550; 3551; 3552; 3553; 3554; 3555; 3568; 3569; 3570; 3571; 3572; 3573; 3574; 3575; 3576; 3577; 3588; 3589; 3590; 3591; 3592; 3593; 3594; 3595; 3596; 3597; 3608; 3609; 3610; 3611; 3612; 3613; 3614; 3615; 3616; 3617; 3633; 3634; 3635; 3636; 3637; 3638; 3689; 3640; 3641; 3642; 3643; 3644; 3645; 3646; 3901; 3902; 3903; 3904; 3905; 3906; 3920; 3921A; 3922A; 3923; 3924; 3925; 3926; 3927; 3928; 3930A; 3931A; 3962; 3963; 3965; 3966; 3967; 3968; 3969; 3970; 3971; 3973; 4014; 4015; 4016; 4017; 4018; 4019; 4020; 4021; 4022; 4023; 4024; 4025; 4078; 4079; 4080; 4081;

//

SUPERVISORS LEAL, SHELLEY, Kaufman, Alioto, TENG, BIERMAN

BOARD OF SUPERVISORS

4082; 4083; 4084; 4085; 4086; 4087; 4088; 4089; 4142; 4143; 4144; 4145; 4146; 4147; 4148; 4149; 4150; 4151; 4152; 4153; 4206; 4207; 4208; 4209; 4210; 4211; 4265; 4266; 4267; 4268; 4269; 4270; 4271; 4272; 4273; 4274; 4275; 4276; 4334; 4335; 4336; 4337; 4338; 6513; 6514; 6515; 6516; 6517; 6518; 6519; 6520; 6521; 6522; 6523; 6524; 6525; 6526; 6527; 6528; 6529; 6530; 6531; 6532; 6568; 6569; 6570; 6571; 6572; 6573.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: _____
Deputy City Attorney

SUPERVISORS LEAL, SHELLEY

BOARD OF SUPERVISORS

DOCUMENTS DEPT.

JUL 25 1996

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Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
June 17, 1996	§	June 24, 1996
	§	
	§	
Ayes: Supervisors Alioto Ammiano	§	Ayes: Supervisors Alioto Ammiano
Bierman Brown Hsieh Katz Kaufman	§	Bierman Brown Hsieh Katz Kaufman
Leal Shelley Yaki	§	Leal Shelley Yaki
	§	
Absent: Supervisor Teng	§	Absent: Supervisor Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
81-95-1.1

JUN 26 1996
Date Approved

Mayor

cc

FILE NO. 93-95-25.2 ORDINANCE NO. 258-96

(MEMORANDUM OF UNDERSTANDING)

AMENDING ORDINANCE NO. 133-95 TO IMPLEMENT THE PROVISIONS OF A MEDIATED SETTLEMENT DATED MAY 24, 1996 BETWEEN THE DISTRICT ATTORNEY INVESTIGATORS ASSOCIATION AND THE CITY AND COUNTY OF SAN FRANCISCO FOR THE PERIOD JULY 1, 1996 THROUGH JUNE 30, 1997.

Be it ordained by the People of the City and County of San Francisco.

Section 1. Pursuant to Charter sections 8.409 et seq. the Board of Supervisors hereby implements those provisions within the Board of Supervisors charter authority of the mediated settlement dated May 24, 1996 between the District Attorney Investigators Association and the City and County of San Francisco to be effective July 1, 1996 through June 30, 1997. A copy of the mediated settlement so implemented is on file in the office of the Board of Supervisors.

APPROVED AS TO FORM

LOUISE H. RENNE
CITY ATTORNEY

DEPUTY CITY ATTORNEY

Supervisor Shelley

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
June 17, 1996	§	June 24, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki	§	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Yaki
Absent: Supervisor Teng	§	Absent: Supervisor Katz Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 93-95-25.2

JUN 26 1996
Date Approved

Mayor

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JUL 25 1996
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FILE NO. 93-95-35.4 ORDINANCE NO. 259-96

(Compensation)

AMENDING ORDINANCE 221-95 TO IMPLEMENT THE PROVISIONS OF AN ARBITRATOR'S AWARD BETWEEN THE INTERNATIONAL FEDERATION OF PROFESSIONAL AND TECHNICAL ENGINEERS, LOCAL 21, AFL-CIO AND THE CITY AND COUNTY OF SAN FRANCISCO TO BE EFFECTIVE JULY 1, 1996 THROUGH JUNE 30, 1997.

Be it ordained by the People of the City and County of San Francisco.

Section 1. The Board of Supervisors hereby implements the provisions within the authority of the board of supervisors of the arbitrator's award dated May 23, 1996 regarding the compensation of employees represented by the International Federation of Professional and Technical Engineers, Local 21, AFL-CIO to be effective July 1, 1996 through June 30, 1997. A copy of the award so implemented is on file in the office of the Board of Supervisors.

APPROVED AS TO FORM

LOUISE H. RENNE
CITY ATTORNEY

DEPUTY CITY ATTORNEY

Supervisor Shelley

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
June 17, 1996	§	June 24, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki	§	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Yaki
Absent: Supervisor Teng	§	Absent: Supervisor Katz Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 93-95-35.4

JUN 26 1996
Date Approved

Mayor

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JUL 25 1996

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FILE NO. 34-96-3 ORDINANCE NO. 260-96

[Changing Width of Sidewalk]

AMENDING ORDINANCE NO. 1061 ENTITLED "REGULATING THE WIDTH OF SIDEWALKS" BY ADDING THERETO SECTION NO. 1523 CHANGING THE OFFICIAL SIDEWALK WIDTHS ON THE SOUTH SIDE OF IRVING STREET BETWEEN ARGUELLO BOULEVARD AND 2ND AVENUE, ON THE NORTHWEST CORNER OF JUDAH STREET AND 18TH AVENUE, ON THE NORTHWEST CORNER OF JUDAH STREET AND 36TH AVENUE, ON THE NORTHWEST CORNER OF TARAVAL STREET AND 36TH AVENUE, ON THE SOUTHEAST CORNER OF TARAVAL STREET AND 37TH AVENUE, AND ON A PORTION OF IRVING STREET BETWEEN 2ND AVENUE AND 3RD AVENUE, COLLECTIVELY KNOWN AS MUNI KEY STOP PHASE "B", AND AS SHOWN ON THE DEPARTMENT OF PUBLIC WORKS DRAWING LABELED Q-20-440 THROUGH Q-20-445, INCLUSIVE, AND MAKING FINDINGS PURSUANT TO PLANNING CODE SECTION 101.1

Be it ordained by the people of the City and County of San Francisco

SECTION 1. Ordinance No. 1061 entitled "Regulating the Width of Sidewalks", be and is hereby amended in accordance with the communication filed in the Office of the Clerk of the Board of Supervisors, by adding thereto a new section to be numbered as follows:

Section 1523 The width of sidewalks on

(a) The south side of Irving Street between Arguello Boulevard and 2nd Avenue, shall be as shown on the Department of Public Works drawing labeled Q-20-440;

(b) The northwest corner of Judah Street and 18th Avenue, shall be as shown on the Department of Public Works drawing labeled Q-2-441;

(c) The northwest corner of Judah Street and 36th Avenue, shall be as shown on the Department of Public Works drawing labeled Q-2-442;

(d) The northwest corner of Taraval Street and 36th Avenue, shall be as shown on the Department of Public Works drawing labeled Q-20-443;

(e) The southeast corner of Taraval Street and 37th Avenue, shall be as shown on the Department of Public Works drawing labeled Q-20-444;

(f) A portion of Irving Street between 2nd Avenue and 3rd Avenue, shall be as shown on the Department of Public Works drawing labeled Q-20-445;

SECTION 2: The Planning Department in its letter dated February 22, 1996 states that the above described changes of official sidewalk widths are in conformity with the Master Plan and makes findings of consistency with the Eight Priority Policies of Planning Code Section 101.1.

The San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department in its letter dated February 22, 1996, that the project intended by the proposed changes of official sidewalk widths are consistent with the Eight Priority Policies of Planning Code Section 101.1.

The Bureau of Engineering, Department of Public Works, as is necessary as a result of this Ordinance, shall make arrangements with Public Utility companies and City Departments for the relocation and/or adjustment of their facilities in the affected sidewalk and street areas.

RECOMMENDED:

Acting Director of Public Works

DESCRIPTION APPROVED:

City Engineer

APPROVED AS TO FORM
LOUISE RENNE, CITY ATTORNEY

By _____
Deputy City Attorney

APPROVED

Chief Administrative Officer

DOCUMENTS DEPT.

JUL 25 1996

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Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
June 17, 1996	§	June 24, 1996
	§	
	§	
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki	§	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Yaki
	§	
	§	
Absent: Supervisor Teng	§	Absent: Supervisor Katz Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
34-96-3

JUN 26 1996
Date Approved

Mayor

FILE NO. 45-96-32 ORDINANCE NO. 261-96

[Approving Settlement Agreement]

APPROVING A SETTLEMENT BETWEEN ELIZABETH FURNELLI D/B/A SOLID GOLD, INC. AND THE CITY AND COUNTY OF SAN FRANCISCO, THE SAN FRANCISCO POLICE DEPARTMENT, THE SAN FRANCISCO CHIEF OF POLICE AND THE SAN FRANCISCO BOARD OF PERMIT APPEALS INVOLVING REMOVAL OF PERMIT RESTRICTIONS PREVIOUSLY IMPOSED BY BOARD OF PERMIT APPEALS

Be it ordained by the People of the City and County of San Francisco:

Section 1. FINDINGS. The Board of Supervisors of the City and County of San Francisco hereby finds and declares as follows:

A. On or about September 6, 1995, the San Francisco Board of Permit Appeals, over the opposition of Solid Gold, Inc., imposed conditions on Solid Gold's Place of Entertainment Permit (the "Permit") including that (1) Solid Gold was prohibited from conducting shows between the hours of 6:00 p.m. and 2:00 a.m., and (2) Solid Gold must provide valet parking.

B. On or about October 3, 1995, Solid Gold filed an action in the United Stateas District Court for the Northern District of California, captioned Elizabeth Furnelli d/b/a Solid Gold, Inc. v. City and County of San Francisco et al., Case No. C-95-3517

SAW (the "Action") in which Solid Gold alleged that by imposing these conditions the Board of Permit Appeals had violated Solid Gold's First Amendment rights and breached a prior agreement between Solid Gold and the City.

C. On or about April 26, 1996, Solid Gold, the Board of Permit Appeals, the Chief of Police and the Police Department agreed to settle the Action on the following terms (the "Settlement Agreement"): (1) the Board of Permit Appeals, the Chief of Police and the Police Department would rescind and strike from Solid Gold's Permit the prohibition on conducting shows between 2:00 and 6:00 p.m. and the requirement for a valet parking permit, and (2) Solid Gold would dismiss the Action with prejudice and waive all claims for damages, attorneys' fees and costs.

D. The Board of Permit Appeals, the Chief of Police and the Police Department require the approval of the Board of Supervisors in order to bind other City departments and agencies.

Section 2. In accordance with the recommendation of the Board of Permit Appeals, the Chief of Police and the City Attorney, the Board of Supervisors approves the Settlement Agreement in Elizabeth Furnelli d/b/a Solid Gold, Inc. v. City

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and County of San Francisco, et al., Case No. C-95-3517 SAW dated on or about April 26, 1996.

RECOMMENDED:

BOARD OF PERMIT APPEALS

By: Robert H. Feldman
Executive Director

POLICE DEPARTMENT

By: _____
Chief of Police

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE, City Attorney

By: Jana M. Rom
Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
June 17, 1996	June 24, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Yaki
Absent: Supervisor Teng	Absent: Supervisor Katz Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No. 45-96-32

JUN 26 1996
Date Approved

Mayor

FILE NO. 45-96-33

ORDINANCE NO. 262-96

RO#95224

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF SCOTT DAVIS AGAINST THE CITY AND COUNTY OF SAN FRANCISCO FOR $15,000.00.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the action entitled Scott Davis v. City and County of San Francisco, San Francisco Superior Court case no. 952-973 by the payment of $15,000.00 (fifteen thousand dollars).

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED

SUPERIOR COURT

ALLAN CARSON
Executive Officer

APPROVED:

EDWARD HARRINGTON
Controller

IG AGF AAA 97-09-10
975035 05311 $15,000.00

MAY 21 1996

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
June 17, 1996	June 24, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Yaki
Absent: Supervisor Teng	Absent: Supervisor Katz Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-96-33

JUN 26 1996
Date Approved

Mayor

DOCUMENTS DEPT.

JUL 25 1996

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FILE NO. 45-96-34 ORDINANCE NO. 263-96

RO#95225

[Settlement of Lawsuit]

AUTHORING SETTLEMENT OF THE LITIGATION OF W. CHAPOT CONSTRUCTION CO., INC. AGAINST THE CITY AND COUNTY OF SAN FRANCISCO, IN THE AMOUNT OF TWENTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS ($27,500).

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the court action entitled W. CHAPOT CONSTRUCTION CO., INC. v. CITY AND COUNTY OF SAN FRANCISCO, San Francisco Superior Court Case No. 969729, by the payment of $27,500.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED AND APPROVED:

DEPARTMENT OF PUBLIC WORKS

ANN BRANSTON
Acting Director

FUNDS AVAILABLE:

Controller

3C-EQS-UNA 90-00-00
DPW602243 05311 $27,500.00

APPROVED:

Chief Administrative Officer

SUPERVISOR

Page 1

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
June 17, 1996	June 24, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Yaki
Absent: Supervisor Teng	Absent: Supervisor Katz Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-96-34

JUN 26 1996
Date Approved

Mayor

DOCUMENTS DEPT.

JUL 25 1996

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FILE NO. 65-96-10 ORDINANCE NO. 264-96

(LEASE MODIFICATION)

APPROVING REAFFIRMATION AND FIRST AMENDMENT TO LEASE AND CONSENT TO ENCUMBRANCE WITH BUNDOX RESTAURANT, INC., DBA THE WATERFRONT RESTAURANT AT PIER 7 ½ (BROADWAY AND THE EMBARCADERO)

Be it ordained by the People of the City and County of San Francisco:

Section 1

The Board of Supervisors finds that:

A. Section 3.581(g) of the City Charter authorizes the Port Commission to enter into leases and franchises for the operation of property within the jurisdiction of the Port Commission; and

B. Section 7.402-1 of the City Charter authorizes the Board of Supervisors to review and approve by ordinance, the leases or the modification, amendment or termination of any leases of real property entered into by a department, board or commission for a period of time in excess of ten (10) years or having anticipated revenue to the City and County of San Francisco of one million dollars or more; and

C. On October 25, 1994, by Ordinance No. 412-94, the Board of Supervisors approved Port Commission Lease No. L-11859 (the "Lease") with Bundox Restaurant, Inc., an existing Port tenant, for renewal of its lease. The Lease also includes the addition of adjacent property as part of the tenant's proposed renovation and business expansion; and

D. The Port Commission, on October 25, 1994 by Resolution No. 94-1333, and the Board of Supervisors, on December 23, 1994 by Resolution No. 1035-94, adopted Final Negative Declaration #93.508E, and, found that the proposed project set forth in the Lease would have no significant impact on the environment; and

E. The Lease became void on June 30, 1995, because Bundox failed to meet certain financing and building permit conditions; and

F. Subsequent to June 30, 1995, Bundox asked the Port to reaffirm the Lease, extend the time for Bundox to obtain financing until June 30, 1996, to include certain modifications to the Lease, and to consent to the encumbrance of the leasehold by Bundox's proposed lenders; and

G. On February 27, 1996, the Port Commission, approved by Resolution No 96-15 the Reaffirmation and First Amendment to Lease and Consent to Encumbrance between the Port and Bundox Restaurant, Inc. ("Reaffirmation"), incorporating the terms set forth in the Memorandum to the Port Commission for Agenda Item 5B dated February 20, 1996. A copy of Port Commission Resolution No 96-15, the Memorandum to the Port Commission and the Reaffirmation is hereto attached and on file with the Clerk of the Board of Supervisors in File No. 65-96-10; and

H. Bundox expects to receive financing approvals prior to the June 30, 1996 Lease financing condition precedent date and now seeks reaffirmation of Lease No. 11859, as amended, and seeks approval of the Consent to Encumbrance.

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Section 2

NOW THEREFORE BE IT ORDAINED, that the Board of Supervisors hereby approves the Reaffirmation and First Amendment to Lease and Consent to Encumbrance between the Port and Bundox Restaurant, Inc. ("Reaffirmation"), substantially in the form attached hereto, and that the Executive Director of the Port of San Francisco is authorized to execute the same on behalf of the Port in substantially the form attached hereto, and is also authorized to execute such additional documents as requested by Tenant or Tenant's lender necessary to effect the financing for the tenant improvements in such form as approved by the City Attorney.

APPROVED AS TO FORM

LOUISE H. RENNE

City Attorney

By: _____

NEIL H. SEKHRI

Deputy City Attorney

San Francisco Port Commission

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
June 17, 1996	$	June 24, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki	$	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Yaki
Absent: Supervisor Teng	$	Absent: Supervisor Katz Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No. 65-96-10

JUN 26 1996
Date Approved

_____
Mayor

FILE NO. 172-96-16 ORDINANCE NO. 265-96

(Medical Services Contract)

AUTHORIZING THE DIRECTOR OF PUBLIC HEALTH TO EXECUTE AN AGREEMENT WITH BLUE CROSS OF CALIFORNIA FOR THE DEPARTMENT OF PUBLIC HEALTH TO PROVIDE SERVICES TO BLUE CROSS MEDI-CAL MANAGED CARE SUBSCRIBERS, WHICH AGREEMENT INCLUDES BINDING ARBITRATION AND INDEMNIFICATION CLAUSES.

Be it ordained by the People of the City and County of San Francisco:

The Director of Public Health is hereby authorized to execute an agreement with Blue Cross of California for the provision of medical services by the Department of Public Health to Blue Cross of California Medi-Cal Managed Care subscribers. As part of that agreement, the Director may (1) indemnify Blue Cross from any claim for liability arising out of the wrongful acts of the City, its

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agents and employees and (2) agree to a binding arbitration clause that requires all disputes arising under the contract, including disputes regarding utilization review, to be resolved through binding arbitration.

Approved as to form:
LOUISE H. RENNE
City Attorney

By _____
Deputy City Attorney

Recommended:
SANDRA R. HERNANDEZ
Director of Public Health

_____

HEALTH COMMISSION

By: _____
Sandy Ouye Mori

DEPARTMENT OF PUBLIC HEALTH

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Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
June 17, 1996	§	June 24, 1996
	§	
	§	
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki	§	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Yaki
	§	
	§	
Absent: Supervisor Teng	§	Absent: Supervisor Katz Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
172-96-16

JUN 26 1996
Date Approved

Mayor

FILE NO. 93-96-10.1 ORDINANCE NO. 266-96

(Memorandum of Understanding)

AMENDING ORDINANCE NO. 168-96 TO CORRECT CLERICAL ERRORS BY ADOPTING AND IMPLEMENTING THE PROVISION OF AMENDMENT NUMBER 1 TO THE MEMORANDUM OF UNDERSTANDING BETWEEN PLUMBING AND PIPE FITTING INDUSTRY, LOCAL 38 AND THE CITY AND COUNTY OF SAN FRANCISCO TO BE EFFECTIVE JULY 1, 1996 THROUGH JUNE 30, 1997.

Be it ordained by the People of the City and county of San Francisco

The Board of Supervisors hereby implements the provisions within the Board's authority of Amendment Number 1 to the Memorandum of Understanding between Plumbing and Pipe Fitting Industry, Local 38 and the City and County of San Francisco to correct clerical errors to be effective July 1, 1996 through June 30, 1997. The provisions so amended and implemented are on file in the office of the Board of Supervisors

APPROVED AS TO FORM

LOUISE H RENNE
CITY ATTORNEY

DEPUTY CITY ATTORNEY

Supervisor Shelley

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
June 17, 1996	June 24, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Yaki
Absent: Supervisor Teng	Absent: Supervisor Katz Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 93-96-10.1

JUN 26 1996
Date Approved

Mayor

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FILE NO. 93-96-21 ORDINANCE NO. 267-96

(Compensation)

AN ORDINANCE IMPLEMENTING THE PROVISIONS OF AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE TRANSPORT WORKERS OF AMERICA, LOCAL 250A (7410 AUTOMOTIVE SERVICE WORKER) AND THE TRANSPORT WORKERS OF AMERICA, LOCAL 200 AND THE MACHINISTS UNION LODGE, NO. 1414 AND THE BUILDING MATERIAL AND CONSTRUCTION TEAMSTERS, LOCAL 216 AND THE LABORERS UNION, LOCAL 261 AND THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 6 AND THE SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 790 AND THE STATIONARY ENGINEERS, LOCAL 39 AND THE CITY AND COUNTY OF SAN FRANCISCO PROVIDING FOR EMPLOYEE ASSISTANCE FOR THE PERIOD JUNE 30, 1996 THROUGH JUNE 30, 1997.

Be it ordained by the People of the City and County of San Francisco.

Section 1. The Board of Supervisors hereby implements the provisions within the authority of the Board of Supervisors of the amendment to the Memorandum of Understanding between the Transport Workers of America, Local 250A (7410 Automotive Service Worker) and the Transport Workers of America, Local 200 and the Machinists Union Lodge, No. 1414 and the Building Material and

Supervisor Shelley

BOARD OF SUPERVISORS
Supervisor Shelley

Construction Teamsters, Local 216 and the Laborers Union, Local 261 and the International Brotherhood of Electrical Workers, Local 6 and the Service Employees International Union, Local 790 and the Stationary Engineers, Local 39 and the City and County of San Francisco providing for employee assistance to be effective June 30, 1996 through June 30, 1997. The amended provisions so implemented are on file in the office of the Board of Supervisors.

APPROVED AS TO FORM

LOUISE H. RENNE
CITY ATTORNEY

Vicki A. Clayton
DEPUTY CITY ATTORNEY

BOARD OF SUPERVISORS

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JUL 25 1996

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cc

Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
June 17, 1996	$	June 24, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki	$	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Yaki
	$	
	$	
Absent: Supervisor Teng	$	Absent: Supervisor Katz Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 93-96-21

JUN 26 1996

Date Approved

Mayor

FILE NO. 93-96-22 ORDINANCE NO. 268-96

(MEMORANDUM OF UNDERSTANDING)

AN ORDINANCE IMPLEMENTING THE PROVISIONS OF A MEDIATED SETTLEMENT BETWEEN THE SHEETMETAL WORKERS INTERNATIONAL UNION, LOCAL 104 AND THE CITY AND COUNTY OF SAN FRANCISCO FOR THE PERIOD JULY 1, 1996 THROUGH JUNE 30, 1997.

Be it ordained by the People of the City and County of San Francisco.

Section 1. Pursuant to Charter sections 8.409 et seq. the Board of Supervisors hereby implements those provisions within the Board of Supervisors charter authority of the mediated settlement between the Sheetmetal Workers International Union, Local 104 and the City and County of San Francisco to be effective July 1, 1996 through June 30, 1997. A copy of the Memorandum of Understanding so implemented is on file in the office of the Board of Supervisors.

APPROVED AS TO FORM

LOUISE H. RENNE
CITY ATTORNEY

DEPUTY CITY ATTORNEY

Supervisor Shelley

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
June 17, 1996	June 24, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Yaki
Absent: Supervisor Teng	Absent: Supervisor Katz Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 93-96-22

JUN 26 1996
Date Approved

Mayor

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JUL 25 1996

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FILE NO. 93-96-23 ORDINANCE NO. 269-96

(Compensation)

AN ORDINANCE IMPLEMENTING THE PROVISIONS OF AN ARBITRATOR'S AWARD BETWEEN THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 6 AND THE CITY AND COUNTY OF SAN FRANCISCO FOR THE PERIOD JULY 1, 1996 THROUGH JUNE 30, 1997.

Be it ordained by the People of the City and County of San Francisco.

Section 1. The Board of Supervisors pursuant to charter section 8.409 et seq. hereby implements the provisions within the Board of Supervisors authority of an arbitrator's award between the International Brotherhood of Electrical Workers, Local 6 and the City and County of San Francisco to be effective July 1, 1996 through June 30, 1997. The Memorandum of Understanding so implemented is on file in the office of the Board of Supervisors.

APPROVED AS TO FORM

LOUISE H. RENNE
CITY ATTORNEY

DEPUTY CITY ATTORNEY

Supervisor Shelley

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
June 17, 1996	June 24, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Yaki
Absent: Supervisor Teng	Absent: Supervisor Katz Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 93-96-23

JUN 26 1996
Date Approved

Mayor

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FILE NO. 93-96-24 ORDINANCE NO. 270-96

(MEMORANDUM OF UNDERSTANDING)

AN ORDINANCE IMPLEMENTING THE PROVISIONS OF A MEDIATED SETTLEMENT APPROVED BY THE PANEL OF ARBITRATORS BETWEEN THE PROBATION OFFICERS ASSOCIATION, TEAMSTERS LOCAL 856 AND THE CITY AND COUNTY OF SAN FRANCISCO FOR THE PERIOD JULY 1, 1996 THROUGH JUNE 30, 1997.

Be it ordained by the People of the City and County of San Francisco.

Section 1. Pursuant to Charter sections 8.409 et seq. the Board of Supervisors hereby implements those provisions within the Board of Supervisors charter authority of the mediated settlement between the Probation Officers Association, Teamsters Local 856 and the City and County of San Francisco approved by the panel of arbitrators to be effective July 1, 1996 through June 30, 1997. A copy of the Memorandum of Understanding so implemented is on file in the office of the Board of Supervisors.

APPROVED AS TO FORM

LOUISE H. RENNE
CITY ATTORNEY

Vicki A. Clayton
DEPUTY CITY ATTORNEY

Supervisor Shelley

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
June 17, 1996	§	June 24, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki	§	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Yaki
Absent: Supervisor Teng	§	Absent: Supervisor Katz Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No. 93-96-24

JUN 26 1996
Date Approved

Mayor

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JUL 25 1996

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FILE NO. 93-96-25 ORDINANCE NO. 271-96

[Transfer of Vested Leave Balances]

AN ORDINANCE PROVIDING FOR THE TRANSFER OF VESTED SICK LEAVE AND VACATION BALANCES BY QUALIFYING EMPLOYEES OF THE ADULT AND JUVENILE PROBATION DEPARTMENTS TO REDUCE SHORTAGES IN THEIR CITY RETIREMENT ACCOUNTS IN ORDER TO FACILITATE THE TRANSFER OF PRIOR SERVICE TO THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM PURSUANT TO CHARTER § A8.506-2.

Be it ordained by the People of the City and County of San Francisco:

TRANSFER OF VESTED LEAVE BALANCES

Subject to appropriate action by the Civil Service Commission, employees of the Adult and Juvenile Probation Departments qualifying pursuant to Charter section A8.506-2 to transfer prior service in the San Francisco Employees' Retirement System (SFERS) to the California Public Employees' Retirement System (PERS) may opt to make a one time only lump sum transfer of vested sick leave balances accrued pursuant to Civil Service Rule 20.17 and vacation balances for the sole purpose of re-paying shortages in their SFERS retirement accounts so as to facilitate the transfer of their prior service to PERS. This transfer shall be subject to the following conditions:

Supervisor Shelley

(a) **Vested Sick Leave and Vacation Balances**

(1) such transfer is contingent upon the actual transfer of prior service to PERS in conformance with San Francisco Charter section A8.506-2 and the City makes no representation as to the ability of any employee or group of employees to meet the requirements of Charter section A8.506-2;

(2) this option must be exercised and the entire retirement shortage must be re-paid contemporaneously with the transfer of prior service to PERS in conformance with San Francisco Charter section A8.506-2;

(3) the employee may transfer only that amount necessary to re-pay retirement shortages and must transfer any vested sick leave balance prior to the transfer of any vacation balance;

(4) the City makes no representation as to the taxability of this transfer and reserves the right to withhold monies to the extent required by law;

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(b) **Vested Sick Leave**

(1) the employee must have completed at least fifteen (15) years continuous service with the City and must be at least 48 years of age as of July 1, 1996;

(2) the employee will be eligible to transfer only that amount necessary to re-pay retirement shortages and any amount remaining in the vested sick leave account will be paid according to Civil Service Rule 20.17;

(3) these provisions relating to vested sick leave are subject to the appropriate implementing action by the Civil Service Commission;

(c) **Vacation Balances**

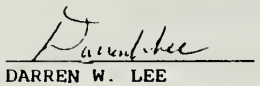
(1) at least forty (40) hours must remain in the vacation account and cannot be transferred;

(2) the employee must execute a binding document representing that he or she will in fact retire by June 30, 1997 and that failure to do so will result in the

replenishment of their vacation account by an offset from their wages of the value of the vacation hours transferred at a rate of up to 25% of their gross earnings each pay period or the maximum amount allowable under applicable law if that amount is less than twenty-five percent (25%).

APPROVED AS TO FORM

LOUISE H. RENNE
City Attorney



DARREN W. LEE
Deputy City Attorney

cc

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
June 17, 1996	§	June 24, 1996
	§	
	§	
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki	§	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Yaki
	§	
Absent: Supervisor Teng	§	Absent: Supervisor Katz Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
93-96-25

JUN 26 1996
Date Approved

Mayor

[ART ENRICHMENT]

AMENDING CHAPTER 3 OF THE ADMINISTRATIVE CODE BY REPEALING SECTION 3.13, AND ADDING A NEW SECTION 3.13 TO REQUIRE TWO PERCENT OF ESTIMATED CONSTRUCTION COSTS FOR ART ENRICHMENT OF PUBLIC BUILDINGS, ABOVE-GROUND STRUCTURES, PARKS AND TRANSPORTATION IMPROVEMENT PROJECTS; RESTRICTING THE APPLICATION OF THE ART ENRICHMENT ORDINANCE TO TOTAL CONSTRUCTION COSTS RATHER THAN TOTAL PROJECT COSTS; INCREASING ARTS COMMISSION ADMINISTRATIVE FEES; ALLOWING FOR AGGREGATION OF ART ENRICHMENT FUNDS; AND PROVIDING FOR MAINTENANCE AND CONSERVATION FUNDS.

NOTE: Deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Chapter 3 of the San Francisco Administrative Code is hereby amended by repealing Section 3.13, as follows:

((SEC. 3.13. **APPROPRIATION FOR ADORNMENT OF PROPOSED PUBLIC STRUCTURES.** Before proposing a bond issue or making a request for an appropriation for the construction of a building or an addition to a building, the officer, board or commission concerned shall submit the subject matter to the Art Commission for its recommendation as to the amount that should be added thereto for the

adornment of the proposed structure with painting, sculpture or other works of art, said amount not to exceed two percent of the gross estimated project cost, exclusive of the items proposed for such adornment.

The Art Commission shall within 60 days after submission forward its recommendation to the officer, board or commission concerned, to the Mayor and to the Board of Supervisors.

Failure of the Art Commission to make a recommendation within such time shall be deemed equivalent to a recommendation that no amount is to be included for adornment.

The Art Commission shall supervise and control the expenditure of all funds appropriated for adornment and may allocate an amount not in excess of five percent of said funds for all necessary and reasonable administrative costs incurred in connection therewith, unless a greater sum is authorized by resolution of the Board of Supervisors.

Nothing in this Section contained shall be construed to limit or abridge the legal powers of the governing boards of the War Memorial, the M.H. de Young Memorial Museum or the California Palace of the Legion of Honor.))

NOTE: This entire section is new.

Section 2. Chapter 3 of the San Francisco Administrative Code is hereby amended by adding a new Section 3.13, to read as follows:

SEC. 3.13. APPROPRIATION FOR ART ENRICHMENT OF PROPOSED PUBLIC BUILDINGS, ABOVE-GROUND STRUCTURES, PARKS, AND TRANSPORTATION IMPROVEMENT PROJECTS.

(a) Art Enrichment Allocation.

Before proposing a bond issue or making a request for an appropriation for the construction of any of the projects set forth in sub-section (c) below, the officer, board or commission concerned shall add thereto for the art enrichment of the proposed construction, two percent of the gross estimated construction cost, exclusive of the items proposed for such art enrichment. Where funding eligibility is limited by law or funding agency rules, the art enrichment allocation shall be based upon two percent of eligible construction costs.

If the officer, board or commission concerned determines that two percent of the gross estimated construction cost is inappropriate for art enrichment, such officer, board or commission shall submit its recommendation regarding the art enrichment budget and the basis for its determination to the Arts Commission for the Arts Commission's review. If the officer, board or commission

concerned is unable to resolve the matter with the Arts Commission, the matter shall be submitted to the Mayor by the Arts Commission for final determination within 60 days from the date the recommendation is made.

Failure of the Art Commission to submit the matter to the Mayor for resolution within such time shall be deemed equivalent to the Arts Commission's acceptance of the recommendation made by the officer, board or commission concerned.

(b) Definitions.

For purposes of this section:

(1) "Alteration" of a building, above-ground structure, or transportation improvement project shall include substantial changes to elements such as walls, partitions, or ceilings on two-thirds or more of the total floor space, excluding basements. "Substantial changes" shall include additions to, removal of, and modification of such elements.

(2) "Construction cost" shall mean the total estimated construction contract award amount, including the costs of all built-in fixtures, unless otherwise agreed to by the Arts Commission. "Construction cost" shall not include movable or personal property or construction cost contingency.

(3) "Transportation improvement project" refers to Municipal Railway and Department of Public Works projects which include both above-ground and below-ground transportation-related projects, new boarding ramps; new transit platforms; new terminals

and transportation systems with their attendant passenger amenities, such as shelters, seating, lighting, landscaping, and signage; new transportation-related structures such as maintenance and operating facilities; power sub-stations; and street/highway-related transit improvements such as bridges and overpasses.

(c) Application.

This section shall apply to the construction or alteration of the following: (1) a building; (2) an above-ground structure; (3) a new park; or (4) a transportation improvement project.

The requirements of this section shall also apply to the alteration of a building, above-ground structure, or transportation improvement project.

(d) Exemptions.

The following shall be exempt from the requirements of this section:

(1) transportation improvement projects limited to rail replacement, rehabilitation or extension of catenary wiring; sidewalk (including curbs and gutters), street paving, repair or improvements; or transit vehicle purchases;

(2) all mechanical, plumbing and electrical system upgrades, structural or seismic upgrades, and modifications for disabled access, unless occurring in conjunction with alteration of a building, an above-ground structure or transportation improvement project;

(3) all park and landscape renovation projects including, but not limited to court resurfacing; landscape renovation or replanting; sewer and water lines; drainage and irrigation systems; wells; erosion control; restrooms; repaving; new paving; stairway repair or replacement; utilities; community gardens; modifications for disabled access; signage; lighting; fence replacement or repair; replacement or repair of existing play structures; natural areas management; modifications to existing parks; and new land uses within existing parks;

(4) annual CIP funded capital improvements for security/life safety and health deficiencies when not occurring in conjunction with alteration of existing public buildings, above-ground structures, parks and transportation projects which are supported by the General Fund;

(5) above-ground pipelines and their supports, such as trestles, anchor blocks and saddles; valve lots; power transmission lines and towers; switchyards and substations; and dwellings in watershed areas;

(6) airfields and Airports Commission equipment;

(7) Airports Commission signage when not occurring in conjunction with a larger construction contract subject to this section.

(e) Administrative Fees.

The Arts Commission shall supervise and control the expenditure of all funds appropriated for art enrichment and shall

allocate up to 20 percent of said funds for all necessary and reasonable administrative costs incurred in connection therewith, unless the Arts Commission agrees to a lesser amount on projects with art enrichment budgets in excess of $750,000, or unless such administrative fee is limited or prohibited by the funding source.

(f) Aggregation of Funds.

When mutually agreed upon by the Arts Commission and the City department from whose capital project the art enrichment allocation was obtained, and where permitted by the funding source, the Arts Commission shall have the authority to aggregate art enrichment funds for use at a more publicly accessible facility under the jurisdiction of the participating City department.

(g) Maintenance and Conservation Funds.

When permitted by the funding source, the Arts Commission may set aside and expend up to five percent of the total art enrichment allocation for each project for maintenance and conservation purposes. Funds set aside pursuant to this section shall be invested in an interest-bearing account when the total of such funds set aside exceeds $10,000.

(h) Miscellaneous Provisions.

(1) When a client department suggests a mitigation measure to address any perceived safety concerns relative to any element of the art enrichment, the Arts Commission shall work with the client department to ensure that such mitigation is implemented to the

satisfaction of the client, the Arts Commission and the artist, if such safety concern is raised by the client department within 30 days after the element has been presented for review to the client department.

(2) If a City department can sufficiently demonstrate to the Arts Commission that a project is not appropriate for public access, the Arts Commission shall waive the art enrichment allocation for such project provided that the art enrichment funding can not be aggregated for use at a more publicly accessible facility under the jurisdiction of the participating City department.

(3) Construction and installation of art enrichment shall comply with the requirements of all applicable building codes, laws, ordinances, rules and regulations.

(4) Nothing in this Section contained shall be construed to limit or abridge the legal powers of the governing boards of the War Memorial, the Fine Arts Museums, the Asian Art Museum or the Port of San Francisco.

(5) Nothing in this section shall be construed to limit or abridge the jurisdiction of the officer, board or commission of the participating City department to supervise and control the expenditure of project funds other than the two percent allocation for art enrichment.

(6) This amendment shall not be applied retroactively to projects for which an art enrichment allocation previously would

not have been required, nor to those projects for which project funding has been approved either by prior voter action or by Airport revenue bond sales, but not yet appropriated or expended. Nor shall this ordinance be construed to allow for an increase in the total art enrichment allocation for a project that is already underway or for which the art enrichment allocation has already been established.

Approved as to Form:

Louise H. Renne, City Attorney

By: _____
Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
June 17, 1996	June 24, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Yaki
Absent: Supervisor Teng	Absent: Supervisor Katz Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No.
97-96-16

JUN 26 1996
Date Approved

_____
Mayor

As Amended in Board
6/17/96

FILE NO. 101-96-1 ORDINANCE NO. 273-96

ORIGINAL
When Stamped In Red

AN ORDINANCE APPROPRIATING ALL ESTIMATED RECEIPTS AND ALL ESTIMATED EXPENDITURES FOR THE CITY AND COUNTY OF SAN FRANCISCO FOR THE FISCAL YEAR ENDING JUNE 30, 1997

BE IT ORDAINED BY THE PEOPLE OF THE CITY AND COUNTY OF SAN FRANCISCO.

SECTION 1. The several amounts of estimated receipts, income and revenue enumerated herein are hereby appropriated to the several funds and departments indicated in this ordinance for the purpose of meeting appropriations herein provided.

SECTION 2. The several amounts of proposed expenditures are hereby appropriated to the several funds and departments as enumerated herein. Each department for which an expenditure appropriation is herein made is hereby authorized to use, in the manner provided by the law, the amounts so appropriated for the purposes specified in this appropriation ordinance.

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JUL 25 1996
SAN FRANCISCO
PUBLIC LIBRARY

ORIGINAL
When Stamped In Red

FILE NO. 102-96-1

ORDINANCE NO. 274-96

CITY AND COUNTY OF SAN FRANCISCO

INTERIM ANNUAL SALARY ORDINANCE

1996-1997

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JUL 25 1996
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FILE NO. 124-96-2 ORDINANCE NO. 275-96

[Parking Control]

AMENDING SECTION 32 2 OF PART II, CHAPTER XI OF THE SAN FRANCISCO MUNICIPAL CODE (TRAFFIC CODE) TO REQUIRE A PERMIT TO PARK IN ADDITIONAL AREAS ADJACENT TO SAN FRANCISCO GENERAL HOSPITAL

Note Additions are underlined Deletions are indicated by ((double parentheses))

Be it ordained by the People of the City and County of San Francisco

Section 1 Section 32 2 of Part II, Chapter XI of the San Francisco Municipal Code (Traffic Code) is hereby amended to read as follows

SEC 32 2 PARKING CONTROL, SAN FRANCISCO GENERAL HOSPITAL PROPERTY AND AREA, PENALTIES FOR VIOLATION No person shall stop, park, or leave standing any vehicle, whether attended or unattended, within the property lines of San Francisco General Hospital, including the block bounded by 22nd Street, Vermont Street, 23rd Street, and Potrero Avenue and the area bounded on three sides by San Bruno Avenue, 22nd Street, and Potrero Avenue and extending northward approximately 816 feet from 22nd Street, said area being occupied in part by the Maternity and Psychiatric buildings of San Francisco General Hospital, and also including the north side of 22nd Street from Potrero Avenue to San Bruno Avenue, the south side of 22nd Street from Potrero Avenue to Vermont Street, the west side of San Bruno Avenue north of 22nd Street, and both sides of Vermont Street between San Bruno Avenue and 23rd Street, said area being adjacent to and servicing San Francisco General Hospital, except (1) an officer or employee of the City and County of San Francisco or an employee or staff member of the Stanford University or University of California Medical Schools Department of Parking and Traffic or any other person having an unexpired permit therefor ((issued)) authorized by the ((Superintendent)) Executive Administrator of San Francisco General Hospital, and (2) any person engaged in the loading or unloading of passengers or freight upon or from a vehicle in a paved area within said San Francisco General Hospital property lines Said ((Superintendent)) Executive Administrator shall have authority to designate areas where various permittees shall be entitled to park or leave vehicles and no vehicle shall be parked or left in any area other than as so designated Violation of this Section is an infraction and any vehicle stopped, parked, or left standing in any place prohibited by this Section is an obstruction to the free use of property and a nuisance within the meaning of Division 4, Part III of the Civil Code of California relating to nuisances and the abatement thereof

APPROVED AS TO FORM

Louise H Renne, City Attorney

By: Jana M. Ross
Deputy City Attorney

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CC

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
June 17, 1996	§	June 24, 1996
	§	
	§	
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki	§	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Yaki
	§	
Absent: Supervisor Teng	§	Absent: Supervisor Katz Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
124-96-2

JUN 26 1996
Date Approved

Mayor

CITY LIBRARIAN
PUBLIC LIBRARY
DOCUMENTS DEPARTMENT
CIVIC CENTER LIBRARY
(2 copies of all Leg.)

FILE NO. 65-96-5 ORDINANCE NO. 276-96

[New Main Library]

APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN FRANCISCO PUBLIC LIBRARY AND THE LIBRARY FOUNDATION OF SAN FRANCISCO FOR USE OF SPACE IN THE NEW MAIN LIBRARY BUILDING FOR THE PERFORMANCE OF LIBRARY-RELATED SERVICES, GENERATION OF REVENUES FOR LIBRARY DEPARTMENT PURPOSES, AND ASSURANCE OF PRIVATE FUNDS TO PROVIDE SUPPORT ON AN ONGOING BASIS FOR THE SAN FRANCISCO PUBLIC LIBRARY SYSTEM; AND AUTHORIZING AND APPROVING CERTAIN AGREEMENTS DIRECTLY WITH THE LIBRARY FOUNDATION AS CONTEMPLATED BY SUCH MOU, INCLUDING A LEASE OF OFFICE SPACE AND AN AGREEMENT GIVING THE FOUNDATION THE RIGHT TO MANAGE THE MEETING ROOMS, AUDITORIUM AND OTHER SPACE FOR PRIVATE FUNCTIONS AND SPECIAL EVENTS AND TO CHARGE FEES FOR SUCH USES.

Be it ordained by the People of the City and County of San Francisco:

Section 1. This Board of Supervisors hereby approves the Memorandum of Understanding between the San Francisco Public Library and the Library Foundation of San Francisco, a California non-profit public benefit corporation, a copy of which is on file with the Clerk of the Board of Supervisors. The MOU provides a mechanism whereby the Foundation agrees to provide a minimum of $300,000 per year of private funding to the City for the San Francisco Public Library over a term expiring on June 30, 1999, on the terms and conditions set forth therein. In connection with such fundraising assurances by the Foundation, the Foundation has requested certain uses of space in the new Main Library building for office purposes and to manage space for private function and special event uses, all as further set forth in such MOU.

Section 2. In accordance with the recommendations of the City Librarian and the Director of Property, this Board of Supervisors hereby approves and authorizes the Mayor and the Clerk of the Board of Supervisors, on behalf of the City and County of San Francisco, to execute the agreements with the Foundation contemplated by the MOU, including: (i) a lease to the Foundation of approximately 1,260 square feet on the fifth floor of the building for office and administrative purposes relating to its activities in support of the Library and management of the event space in the new Main Library; and (ii) an agreement with the Foundation allowing the Foundation the right to manage the use of approximately 29,343 square feet of the building, consisting of the base of the atrium, roof garden, bridge level, communications center, special centers, main atrium gallery and other space, for private functions and other non-City events and to charge fees for such uses. All such agreements shall be on substantially the same terms and conditions as set forth in the MOU on file with the Clerk of the Board of Supervisors.

In exchange for the Foundation's lease of office space, the Foundation shall make an additional unrestricted gift to the Library of $21,600 per year. The City shall not be responsible for the cost of any tenant improvements. The City shall provide basic building utilities and services, including electricity, heating, ventilation, air conditioning, and janitorial services, as well as telephone. The Library Foundation shall maintain liability and other insurance required by the Director of Property and approved by the City's Risk Manager and shall indemnify the City from losses

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PUBLIC LIBRARY

arising out of the Library Foundation's use under the lease, without regard to insurance limits.

The City shall be paid all revenues generated from the use of the event space. In return for the Foundation's management of the event space, the City shall pay the Foundation an annual management fee at the end of each full contract year in the amount of ten percent of revenues plus $100,000, not to exceed $200,000. No obligation to pay any management fee shall accrue and no management fee shall be payable on or before July 1, 1996. The term of the management agreement shall be three years, but shall be terminable upon 90 days' advance written notice by either party. The space may be used for fundraising events for the San Francisco Public Library, for receptions, private parties, and special non-City events, and lectures, presentations and similar uses for which the Foundation may charge a fee. Such uses shall not interfere with any uses of the building by the Library Department during normal Library hours. The Library Foundation may assign or subcontract to a commercial operator selected through the Foundation's own request for proposal process, subject to the reasonable approval of the proposed operator by the City Librarian and the Director of Property and provided that the Library Foundation shall not be relieved of any of its obligations under the agreement to the City. The Library Foundation shall make a good faith efforts to make outreach efforts to minority, women and locally owned businesses in soliciting proposals for an operator. The City shall provide utilities and services, including electricity, heating, ventilation, air conditioning, security and janitorial services. The Library Foundation shall maintain liability and other insurance

required by the Director of Property and approved by the City's Risk Manager, shall require any operator or event sponsor to maintain satisfactory insurance, and shall indemnify, and shall require any operator(s) and event sponsor to indemnify, the City against losses arising out of any such use, except losses arising solely from construction and design defects of the building or City's gross negligence or willful misconduct, without regard to insurance limits.

Section 3. The Board of Supervisors hereby finds that it is in the best interests of the City and County to enter into such agreements based on direct negotiations with the Library Foundation, without a competitive bid process and for the consideration set forth in the MOU on file with the Clerk of the Board of Supervisors. The Foundation is a non-profit public benefit corporation devoted to raising funds for the San Francisco Public Library and performs services that further the public purposes of the San Francisco Public Library. The use of the office space and management of event space by the Foundation will promote the public purposes of the new Main Library and the San Francisco Public Library System.

Section 4. The Director of Property is hereby authorized and urged to prepare the agreements referred to in Section 2 above, on the terms and conditions authorized and approved hereby and with approval as to form by the City Attorney.

Section 5. All actions authorized by this Ordinance and heretofore taken by the City Librarian, the Director of Property or any other City official in furtherance of such lease andagreement

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are hereby ratified, approved and confirmed by this Board of Supervisors.

RECOMMENDED:

ANTHONY J. DELUCCHI
Director of Property

Subject to Appropriation of Funds

CONTROLLER

SAN FRANCISCO PUBLIC LIBRARY

By
KENNETH E. DOWLIN
City Librarian

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By
Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
June 24, 1996	July 1, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki
Absent: Supervisor Katz Teng	Absent: Supervisor Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
65-96-5

JUL - 3 1996
Date Approved

Mayor

FILE NO. 97-96-19 Amendment of the Whole 6/24/96 ORDINANCE NO. 277-96

[Former Charter Provisions]

AMENDING THE SAN FRANCISCO ADMINISTRATIVE CODE BY ADDING SECTIONS 1.49, 2.1-1, 2A.10, 2A.19, 2A.20, 2A.30, 10.01, 10.02, 10.03, 6.01, 6.02, 6.03, 6.04, 6.05, 6.06 AND 2A.110, TO CODIFY SECTIONS 1.103, 2.101, 3.100, 3.302, 3.303, 3.501, 6.300, 6.306, 6.307, 7.100, 7.101, 7.102, 7.103, 7.200, 7.203 AND 7.400 OF THE 1932 CHARTER, RESPECTIVELY; MAKING NECESSARY CHANGES TO CONFORM TO THE 1996 CHARTER; AND REPEALING FORMER SECTIONS 3.201 AND 7.603 OF THE 1932 CHARTER.

Note: All provisions are new; changes from text of the 1932 Charter as amended are indicated by underlining for additions or substitutions, and by ((double parentheses)) for deletions.

Be it ordained by the People of the City and County of San Francisco:

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Section 1. Article I of the San Francisco Administrative Code is hereby amended by adding section 1.49 to read as follows:

SEC. 1.49. **OFFICERS OF THE CITY AND COUNTY.**

The officers of the city and county shall be the officers elected by vote of the people, members of the board of education, members of boards and commissions appointed by the mayor, members of the juvenile probation and adult probation boards or committees, members of the board of law library trustees, the superintendent of schools, the clerk of the municipal court, the secretary and jury commissioner of the superior court, the executive appointed ((by each board or commission)) as the chief executive officer under each ((such)) board or commission, the controller, the city administrator ((chief administrative officer)), the head of each department under the mayor ((chief administrative officer and the coroner, public administrator, county clerk, tax and license collector, recorder, registrar of voters, horticultural commissioner, sealer of weights and measures)), and such other officers as may hereafter be provided by law or so designated by ordinance.

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Section 2. Article 2 of the San Francisco Administrative Code is hereby amended by adding section 2.1-1 to read as follows:

SEC. 2.1-1. **POWERS OF THE BOARD OF SUPERVISORS.**

The powers of the city and county, except the powers reserved to the people or delegated to other officials, boards or commissions by this charter, shall be vested in the board of supervisors and shall be exercised as provided in this charter.

The exercise of all rights and powers of the city and county when not prescribed in this charter shall be as provided by ordinance or resolution of the board of supervisors.

The supervisors shall determine the maximum number of each class of employment in each of the various departments and offices of the city and county and shall fix rates and schedules of compensation therefor in the manner provided in this charter.

On the recommendation of the mayor ((and the chief administrative officer)), the board of supervisors may create or abolish departments which are now or may hereafter be placed under the mayor ((chief administrative officer)) or under commissions appointed by the mayor.

The board of supervisors may, by ordinance, confer on any officer, board or commission such other and additional powers as the board may deem advisable.

The board of supervisors, by ordinance, may provide medical care, hospitalization, compensation and such other benefits as the board may deem necessary for regularly authorized volunteer civilian defense workers suffering injury arising out of and in the course of their activities as such civilian defense workers.

The board of supervisors shall have the powers and duties provided in Charter Section 4.102 ((3.500)).

Section 3. Article 2A.10 of the San Francisco Administrative Code is hereby added, by adding section 2A.10 to read as follows:

SEC. 2A.10. **EMERGENCY SUCCESSION TO THE MAYOR ((FUNCTIONS, POWERS AND DUTIES)).**

In case of a disaster which causes the mayor to be absent or unavailable and the supervisors for any reason whatsoever are unable to elect one of their number to act as mayor or to fill any vacancy that might occur in the office of mayor, the following persons shall act as mayor in the order of succession hereinafter designated: (1) president of the board of supervisors, (2)

chairman of the finance committee of the board of supervisors, and (3) the senior member of the board of supervisors, who is that member having the greatest number of years of service as a member of the board, and in the event that one or more members have equal seniority then by alphabetical order of surname among such members((, and (4) chief administrative officer)). Said person so designated shall act as mayor during such period of absence or unavailability of the mayor until such time as the supervisors can take appropriate action either to elect an acting mayor or to fill the vacancy as the case may be.

Section 4. Section 3.201 of the 1932 Charter, converted to ordinance by operation of Section 18.103 of the Charter of 1996, is hereby repealed.

((SEC. TR-3.201. **FUNCTIONS, POWERS AND DUTIES.**

The chief administrative officer shall be responsible to the mayor and to the board of supervisors for the administration of all affairs of the city and county that are placed in his charge by the provisions of this charter and by ordinance, and to that end, except as otherwise provided in Section 9.102 of this charter, and the general laws of this state respecting the

registration of voters, the holding of elections and all matters pertaining to elections in a city and county, he shall have power and it shall be his duty to exercise supervision and control over all administrative departments which are under his jurisdiction; to appoint the heads of departments under his control and the members of advisory and other boards provided by this charter or by ordinance to be appointed by the chief administrative officer; to prescribe general rules and regulations for the administrative service under his control; to have a voice but no vote in the board of supervisors, with the right to report on or to discuss any matter before the said board concerning the affairs of the departments in his charge; to make such recommendations and propose such measures to the mayor, the board of supervisors, or committees thereof, concerning the affairs of the city and county in his charge as he may deem necessary; to coordinate the functioning of the several departments of the city and county charged with powers and duties relating to control of traffic; and to provide for the budgeting and control of publicity and advertising expenditures of the city and county.

The chief administrative officer may designate an officer or an employee in any department under his jurisdiction to exercise

the powers and perform the duties of any county office not specifically designated by this charter.

The recorder shall be a separate officer of the City and County of San Francisco.

The chief administrative officer shall appoint his executive assistant who shall serve at his pleasure, and which position shall not be subject to the civil service provisions of this charter; provided, however, that any person who has civil service status to the position of executive assistant on the date of approval of this amendment by the electorate shall continue to have civil service status to said position under the civil service provisions of this charter.

The chief administrative officer shall appoint a confidential secretary who shall serve at his pleasure, and which position shall not be subject to the civil service provisions of this charter.))

Section 5. Article 2A of the San Francisco Administrative Code is hereby amended by adding section 2A.19 to read as follows:

SEC. 2A.19. CONTROLLER'S REPORTS.

The controller shall annually make a complete financial report which shall be audited and distributed as provided in Charter Section 2.115 ((3.305 of this charter)). The controller shall also make a quarterly report not later than the 25th day of the month succeeding the last preceding quarter, showing a summary statement of revenues and expenditures for the preceding quarter and for that portion of the fiscal year ending on the last day of such preceding quarter. Such statement shall include all general and funding accounts and shall be detailed as to assets, liabilities, income, expenditures, appropriations and funds, in such manner as to show the financial condition of the city and county and of each department, office, bureau or division thereof, for that portion of the fiscal year to and including the preceding quarter, and with comparative figures for the similar period in the preceding fiscal year. The controller shall at the same time prepare statements showing at the end of each quarter the cash position of the city and county (and the unencumbered balance in each fund). The controller shall periodically make such reports as may be necessary to show the actual or projected financial conditions of the city and county and of each department, office, bureau or division thereof. Further provided that the controller

shall prepare such reports for at least the first six and eight month periods of each fiscal year. He shall also prepare monthly and transmit to all department heads concerned, reports showing the allowances, expenditures, encumbrances and unencumbered balances of each revenue and expenditure appropriation. A copy of each such report and special fiscal reports as requested, shall be transmitted to the mayor((,)) and the board of supervisors, ((the chief administrative officer)), and kept on file in the controller's office.

Section 6. Article 2A of the San Francisco Administrative Code is hereby amended by adding section 2A.20 to read as follows:

SEC. 2A.20. CONTROLLER'S AUDITS.

The controller shall audit the accounts of all boards, officers and employees of the city and county charged in any manner with the custody, collection, or disbursement of funds. The controller shall audit all accounts of money coming into the hands of the treasurer, the frequency of which shall be governed by state law.

The controller shall have the authority to audit the operations of all boards, commissions, officers and departments to

evaluate their effectiveness and efficiency. The controller shall have access to, and authority to examine all documents, records, books and other property of any board, commission, officer or department.

When requested by the mayor, the board of supervisors, ((the chief administrative officer,)) or any board or commission for its own department, the controller ((he)) shall audit the accounts of any officer or department.

Section 7. Article 2A of the San Francisco Administrative Code is hereby amended by adding section 2A.30 to read as follows:

SEC. 2A.30. DEPARTMENT HEADS.

Each elective officer in charge of an administrative office, the chief executive under a ((appointed by each)) board or commission, the controller, ((the chief administrative officer,)) and each department head appointed by the mayor ((chief administrative officer)) shall have the powers and duties of a department head, except as otherwise specifically provided in the ((this)) charter.

Each ((appointive)) department head shall be immediately responsible ((to the chief administrative officer or the board or

commission, as the case may be,)) for the administration of his or her department, and shall file an annual report and make such other reports, estimates and recommendations at the time and in the manner required by law, or as required by the mayor ((chief administrative officer)), board or commission.

The department head ((He)) shall act as the "appointing officer" under the civil service provisions of the ((this)) charter for the appointing, disciplining and removal of such officers, assistants and employees as may be authorized. On the written direction ((recommendation)) of the department head concerned ((and the approval of the chief administrative officer, board or commission to whom such department head is responsible)), the head of any utility, institution, bureau or other subdivision of such department may be designated as the "appointing officer" for such utility, institution, bureau or other subdivision. Non-civil service appointments and any temporary appointments in any department or subdivision thereof, and all removals therefrom shall be made by the department head, ((or)) bureau head or other subdivision head designated as the appointing officer ((only with the approval of the chief administrative officer or the board or commission in charge, as the case may be)).

The department head ((He)) shall issue or authorize all requisitions for the purchase of materials, supplies and equipment required by such department, provided that, on the written direction of the department head concerned ((approval of the chief administrative officer or the board or commission in charge of any department)), the head of any utility, institution, bureau or other subdivision of a department may likewise be vested with such power. Each department head or the head of a utility, institution, bureau or other subdivision of each department shall be responsible for the proper checking of all materials, supplies and equipment ordered for its purposes, and for the approval or disapproval of bills for claims rendered for such materials, supplies or equipment.

The head of any department, through the mayor if part of the executive branch under the charter, ((chief administrative officer or the board or commission in charge thereof)) shall recommend to the board of supervisors such ordinances as may be required to carry out the powers vested and the duties imposed, and to establish or readjust fees or charges for permits issued to or work performed for persons, firms or corporations when these are subject to the department's ((his or its)) jurisdiction.

Each department head, through the mayor if part of the executive branch under the charter, may suggest the creation of positions subject to the provisions of the ((this)) charter, and may reduce the forces under his or her jurisdiction to conform to the needs of the work for which he or she is responsible ((,any other provisions of this charter to the contrary notwithstanding)).

((The mayor, the chief administrative officer, or the board or commission concerned, on the recommendation of any department head, or on his or its own motion, may combine or may transfer and redistribute among departments or offices under his or its authority, respectively, any function or duty assigned to or continued by this charter in any department.))

Section 8. Article 10 of the San Francisco Administrative Code is hereby amended by adding section 10.01 to read as follows:

SEC. 10.01. EFFECT OF APPROPRIATION ORDINANCE.

Subject to the restrictions of Section [6.301], the several amounts of estimated revenue and proposed expenditures contained in the annual appropriation ordinance as adopted by the board of supervisors shall be and become appropriated for the ensuing

fiscal year to and for the several departments, bureaus, offices, utilities, boards or commissions, and for the purposes specified, and each department for which an expenditure appropriation has been made shall be authorized to use the money so appropriated for the purposes specified in the appropriation ordinance, and within the limits of the appropriation. The appropriation ordinance shall constitute the authority for the controller to set up the required revenue and expenditure accounts. Appropriation items for bond interest, bond redemption, fixed charges and other purposes not appropriated to a specific department shall be subject to the administration of and expenditure by the controller ((chief administrative officer)) for the respective purposes for which such appropriations are made.

Section 9. Article 10 of the San Francisco Administrative Code is hereby amended by adding section 10.02 to read as follows:

SEC. 10.02. CASH RESERVE FUND AND SUPPLEMENTAL APPROPRIATIONS.

Unused and unencumbered appropriations or unencumbered balances existing at the close of any fiscal year in revenue or expense appropriations of the city and county for any such fiscal

year, including such balances in revenue and expense appropriations provided under the provisions of Section 16.106 ((6.400(a))) of the ((this)) charter for libraries, parks and squares, playgrounds and civil services in any such fiscal year, but exclusive of revenue or money required by law to be held in school, bond, bond interest, bond redemption, pension, trust, utility or other specific funds, or to be devoted exclusively to specified purposes other than annual appropriations, and together with revenues collected or accruing from any source during any such fiscal year, in excess of the estimated revenue from such source as shown by the annual budget and the appropriation ordinance for such fiscal year, shall be transferred by the controller, at the closing of such fiscal year, to a "cash reserve fund" which is hereby created and which may be used only in the manner authorized by Section [6.304] ((of this charter)); provided, however, that when the balance in said cash reserve fund shall equal 10 per centum of the current or the last preceding tax levy no such transfer shall be made by the controller except on the recommendation of said controller, the approval of the mayor and the authorization of the board of supervisors, by majority vote.

Such unused and unencumbered appropriations, balance and revenue collections in excess of revenue estimates, as hereinbefore in this section defined, when not transferred to the cash reserve fund as hereinbefore in this section required or authorized, shall be held as surplus.

Such surplus shall be taken into account as revenue of the ensuing fiscal year; provided, however, that any such surplus created or existing in any fiscal year may be appropriated by the board of supervisors by means of an ordinance designated as a supplemental appropriation ordinance, ((on the recommendation of the chief administrative officer, or any board, commission or elective officer, respectively, and the approval and submission by the mayor of a supplemental budget estimate or request,)) in the same manner and subject to the same conditions, except time, as provided in this charter for the submission and approval of the annual budget and the appropriation ordinance.

((In the event the chief administrative officer, or any board, commission or elective officer shall recommend a supplemental appropriation ordinance subsequent to the adoption of the budget for any fiscal year and prior to the close of said fiscal year containing any item which had been rejected by the

mayor in his or her review of departmental budget estimates for said fiscal year or which had been rejected by the board of supervisors in its consideration of the mayor's proposed budget for said fiscal year, it shall require a vote of two-thirds of all members of the board of supervisors to approve such supplemental appropriation ordinance.))

No ordinance or resolution for the expenditure of money, except the annual appropriation ordinance, shall be passed by the board of supervisors unless the controller first certifies to such board that there is a sufficient unencumbered balance in a fund that may legally be used for such proposed expenditure, and that, in the judgment of the controller, revenues as anticipated in the appropriation ordinance for such fiscal year and properly applicable to meet such proposed expenditure will be available in the treasury in sufficient amount to meet the same as it becomes due.

Section 10. Article 10 of the San Francisco Administrative Code is hereby amended by adding section 10.03 to read as follows:

SEC. 10.03. EMERGENCY RESERVE FUND.

The tax rate may be fixed by the board of supervisors so as to produce, by a specifically designated rate, as recommended by the mayor in any proposed annual budget and the appropriation ordinance therefore, an amount necessary for an emergency reserve fund, which fund is hereby created, for the purposes of meeting any emergency as defined in Sections 2.107 ((2.301)) or 3.100 of the ((this)) charter. Appropriations from such emergency reserve fund shall be made only on the recommendation of the department head concerned and ((, the approval of the chief administrative officer or the board or commission in charge of such department,)) the recommendation of the mayor to the board of supervisors that such appropriation be made, and the vote of three-fourths of the board of supervisors.

The balance in said emergency reserve fund at the end of any fiscal year shall be maintained and carried forward in said fund. The annual appropriation for said fund and the annual tax rate therefor shall not exceed one per centum of the amount of the levy required to meet all other expense appropriations unless and until the accumulated and unencumbered balance in said fund shall amount to a sum not to exceed three per centum of the tax levy required to meet all other expense appropriations in the then current

fiscal year. The board of supervisors, on the recommendation of the mayor, may make appropriations to, and may levy taxes for said emergency reserve fund in excess of said three per centum of the tax levy for all other purposes.

Section 11. Article 6 of the San Francisco Administrative Code is hereby amended by adding section 6.01 to read as follows:

SEC. 6.01. PURCHASING: MATERIAL, SUPPLIES, EQUIPMENT AND SERVICES.

The purchaser of supplies shall purchase all materials, supplies and equipment of every kind and nature and enter into agreements for all contractual services required by the several departments and offices of the city and county, except as in this section otherwise provided. Purchases of books, magazines and periodicals for the library departments, works of art for museums and other articles or things of unusual character as to the purchasing thereof, may, on the recommendation of a department head and the approval of the purchaser, be purchased directly by said department head.

Purchases of materials, supplies and equipment involving the expenditure of less than five thousand dollars ($5,000) may, on

the recommendation of the department head in charge thereof and the approval of the purchaser, be purchased directly by the department head. Beginning with fiscal year 1996-97, the Board of Supervisors shall be authorized to increase or decrease by ordinance the dollar amount of purchases of materials, supplies and equipment which may, on the recommendation of the department head and approval of the purchaser, be purchased directly by the department head.

Purchases for construction operations, or for any operations conducted outside the boundaries of the city and county may, on the recommendation of the department head in charge thereof, and the approval of the purchaser of supplies, be made by the department head. All such purchases made by officials ((of departments)) other than the purchaser ((purchasing department)) shall be made in accordance with regulations established by the purchaser of supplies. The purchaser of supplies shall have authority to exchange used materials, supplies, and equipment to the advantage of the city and county, advertise for bids, and to sell personal property belonging to the city and county on the recommendation of a department head that such articles are unfit for use.

All purchases in excess of twenty-five hundred dollars ($2,500) shall be by written contract. Beginning with fiscal year 1996-97, the Board of Supervisors shall be authorized to increase or decrease by ordinance the dollar amount of purchases which shall be made by written contract. Any other provision of this section notwithstanding, on the recommendation of the department head, in case of an emergency actually existing, the purchaser of supplies, with the approval of the director of administrative services ((chief administrative officer)), may make such purchases in the open market on the basis of informal bids. At least three bids or quotations shall be secured on open market purchases. All contracts and purchase orders in excess of fifty thousand dollars ($50,000) for materials, supplies or equipment and all agreements for contractual services in excess of fifty thousand dollars ($50,000) shall require the signature of the director of administrative services ((chief administrative officer)) in addition to the signature of the purchaser of supplies. Beginning with fiscal year 1987-88, the board of supervisors shall be authorized to increase or decrease by ordinance the dollar amount of contracts requiring approval of the director of administrative services ((chief administrative officer)) under this section. The

purchaser of supplies shall not enter into any contract or issue any purchase order unless the controller shall certify thereon that sufficient unencumbered balances are available in the proper fund to meet the payments under such purchase order or contract as these become due.

The purchaser of supplies shall establish specifications and tests to cover all recurring purchases of material, supplies and equipment. The purchaser ((He)) shall, as far as is practicable, standardize materials, supplies and equipment according to the use to which they are to be put, when two or more types, brands or kinds are specified or requested by individual departments.

Purchases of equipment shall be made in accordance with specifications furnished by the department requiring such equipment in case the use of such equipment is peculiar to such department. For patented or proprietary articles sold by brand name, the purchaser may require each department requisitioning same by such brand name, to furnish specifications of the article requisitioned and may advertise for bids on the basis of such specifications, under conditions permitting manufacturers of or dealers in other articles made and sold for the same purpose, to bid on such specifications or on the specifications of their own

product. If the purchaser of supplies recommends the acceptance of the lowest or best bid, stating his or her reasons in writing therefor, and if the department head concerned recommends the acceptance of any other bid on such proprietary articles, stating his or her reasons in writing therefor, the award shall be determined by the controller.

The purchaser of supplies shall require departments to make adequate inspection of all purchases, and shall make such other inspections as he or she deems necessary. The purchaser ((He)) shall develop standards for determining when articles or services which may be below standards, specifications or samples furnished should be rejected.

The purchaser of supplies ((He)) shall have charge of central storerooms and warehouses of the city and county. The purchaser ((He)) shall also have charge of a central garage and shop for the repair of city and county equipment. All garages and shops heretofore maintained by departments for the construction, maintenance, and repair of departmental supplies and equipment, and the personnel assigned thereto, excepting the shop and personnel for fire alarm, police telegraph and traffic signal manufacture and repair operated by the department of electricity,

are hereby transferred to said central garage and shop. The purchaser ((He)) shall have authority to require the transfer of surplus property in any department to stores or to other departments.

Section 12. Article 6 of the San Francisco Administrative Code is hereby amended by adding section 6.02 to read as follows:

SEC. 6.02. PURCHASING: SURPLUS COMMODITIES.

((Notwithstanding any other provisions of the charter, the)) The purchaser of supplies, with the approval of the director of administrative services ((chief administrative officer)), may purchase any commodity either from the government of the United States or from the State of California without advertising for bids for said commodity, irrespective as to the cost thereof, and no written contract need be entered into with the government of the United States or with the State of California for the purchase of said commodity. Before any such purchase is made the controller shall certify as to the availability of funds to pay the purchase price of said commodity.

Section 13. Article 6 of the San Francisco Administrative Code is hereby amended by adding section 6.03 to read as follows:

SEC. 6.03. PURCHASING; MONETARY FUNCTIONS.

The board of supervisors shall by ordinance determine the monetary limits of purchases of material, supplies and equipment to be made (a) by the taking of informal bids consistent with the manner provided in Section 6.01 ((7.100)); and (b) by advertising for bids consistent with the manner provided for in Section 6.05 ((7.200)).

The board of supervisors ((They)) shall also provide by ordinance for the monetary limits within which procurements of material, supplies and equipment may be made from departmental revolving funds. The purchaser of supplies shall by rules and regulations, approved by the director of administrative services ((chief administrative officer)) and the controller, establish the methods whereby procurements may be made from departmental revolving funds.

Section 14. Article 6 of the San Francisco Administrative Code is hereby amended by adding section 6.04 to read as follows:

SEC. 6.04. PURCHASING; REQUISITION, CONTRACT AND PAYMENT.

All purchase orders and contracts shall be based on written requisitions, or, for materials or supplies in common use in the various departments, on the purchaser's records of average use by all departments. Purchase orders and contracts for materials, supplies and equipment in excess of fifty thousand dollars ($50,000) must be approved by the director of administrative services ((chief administrative officer)). Beginning with fiscal year 1987-88, the board of supervisors shall be authorized to increase or decrease by ordinance the dollar amount of contracts requiring approval of the director of administrative services ((chief administrative officer)) under this section. The purchaser of supplies and controller shall establish procedures to approve all bills and vouchers for materials, supplies and equipment and contractual services. All approvals required pursuant to such procedures must be obtained before the controller shall draw and approve warrants therefor. All contracts for the purchase of materials, supplies and equipment involving expenditure of fifty thousand dollars ($50,000) or more shall be made after inviting sealed bids by publication. All sealed bids received shall be kept on file. When an award of contract is made, notice that the same has been made shall be given by one publication, and any

interested person may examine the bids and records at the purchaser's office.

The purchaser of supplies shall by rules and regulations, approved by the director of administrative services ((chief administrative officer)) and the controller, designate and authorize appropriate personnel ((within the purchasing department)) to exercise the purchaser's signature powers for purchase orders and contracts approved as provided in this section ((charter)).

Section 15. Article 6 of the San Francisco Administrative Code is hereby amended by adding section 6.05 to read as follows:

SEC. 6.05. PUBLIC WORKS AND PURCHASING CONTRACTS.

The construction, reconstruction or repair of public buildings, streets, utilities or other public works or improvements, and the purchasing of supplies, materials and equipment, when the expenditure involved in each case shall exceed the sum of fifty thousand dollars ($50,000), shall be done by contract, except as otherwise provided by the ((this)) charter or the Administrative Code. It shall constitute official misconduct to split or divide any public work or improvement or purchase into

two or more units for the purpose of evading the contract provisions of this section. In an emergency, provided an actual emergency be declared by the board of supervisors to exist, and when authorized by resolution of said board, any public work or improvement may be executed in the most expeditious manner. Notwithstanding any other provision in this section or this charter contained, upon the approval of the mayor or the mayor's designee ((chief administrative officer)) declaring the work to be emergency in character, there may be expended by the department of public works the sum not to exceed five hundred dollars ($500) for new constructions of any type in or upon unimproved or unaccepted streets.

Any public work or improvement estimated to cost less than fifty thousand dollars ($50,000) may be performed under contract or written order or by the employment of the necessary labor and purchase of the necessary materials and supplies directly by the city and county. Any public work or improvement executed by the city, other than routine repair work, shall be authorized by the the mayor or the mayor's designee ((chief administrative officer)) when the cost exceeds fifty thousand dollars ($50,000) or by the heads of departments not under the mayor ((chief administrative

officer)), only after detailed estimates have been prepared and submitted by the head of the department concerned. There shall be separate accounting for each work or improvement so executed, which accounting shall include all direct, indirect and supervisory elements of cost chargeable to such work or improvement, and each cost accounting shall be reported to the mayor or the mayor's designee ((chief administrative officer, or to the mayor when such work shall have been performed by departments not under the chief administrative officer)). All such accounts shall be reported to the controller. Any public work or improvement costing less than fifty thousand dollars ($50,000) and not performed by the use of city and county labor, materials, and supplies shall, if not performed under contract, be covered by written order or agreement which shall be based on not less than three bids, notice of which shall be given by three days' posting. Records of such bids shall be kept by the department.

When the expenditure for any public work or improvement shall exceed the sum of fifty thousand dollars ($50,000), the same shall be done by contract, except as otherwise provided in the ((this)) charter or the Administrative Code. The head of the department in charge of or responsible for the work for which a contract is to

be let, or the purchaser of supplies in the case of purchases of materials, supplies and equipment, shall let such contract to the lowest reliable and responsible bidder not less than 10 days after advertising by publication for sealed proposals for the work, improvement or purchase contemplated. Each such advertisement shall contain the reservation of the right to reject any and all bids. The officer responsible for the awarding of any such contract shall require from all bidders information concerning their experience and financial qualifications, as provided by general law relative to such investigations authorized by department of public works.

Notwithstanding any other provision of the charter or ordinances of the City and County of San Francisco, the Municipal Railway, through its department head and through the purchaser, shall be duly authorized to include among their purchasing specifications the use of negotiated procurement procedures for the purchase of mass-transit vehicles.

The purchaser of supplies, with the approval of the director of administrative services ((chief administrative officer)) for bids in excess of fifty thousand dollars ($50,000), or the department head concerned, with the approval of the board or

commission to which he or she is responsible, may reject any and all bids and readvertise for bids.

The department head or the purchaser of supplies, as the case may be, shall have power to sign such contract for the estimated expenditures thereunder not in excess of fifty thousand dollars ($50,000). Any contract involving the expenditure of more than fifty thousand dollars ($50,000), if for the purchase of materials, supplies or equipment, shall require the joint approval of the purchaser of supplies and the director of administrative services ((chief administrative officer)). If such contract is for any public work or improvement, it shall require the joint approval of the department head and the mayor or the mayor's designee ((chief administrative officer)) for amounts in excess of fifty thousand dollars ($50,000) relative to departments under his or her jurisdiction, or the signature of the department head and the approval by resolution of the board or commission concerned for departments not under the mayor ((chief administrative officer)).

The board of supervisors, by ordinance, shall establish procedure whereby appropriate city and county departments may file sealed bids for the execution of any work to be performed under

contract. If such bid is the lowest, the contract shall be awarded to the department. Accurate unit costs shall be kept of all direct and indirect charges incurred by the department under any such contract, which unit costs shall be reported to and audited by the controller monthly and on the completion of the work.

In any case where the lowest gross price or unit cost bid is not accepted, and a contract is entered into with another bidder, written report shall be made to the director of administrative services ((chief administrative officer)), the mayor and the controller by the officer authorized to execute the contract, with the reasons for failure to accept such lowest bid.

If any provision of this section is in conflict with any provision of Section 6.01 ((7.100 of the charter)), the provision contained in Section 6.01 ((7.100)) shall govern and control.

Beginning with fiscal year 1987-88, the board of supervisors shall be authorized to increase or decrease by ordinance the dollar amount set forth in any provision of this section.

Section 16. Article 6 of the San Francisco Administrative Code is hereby amended by adding section 6.06 to read as follows:

SEC. 6.06. **CONTRACTING; PENALTIES AND EXTRAS.**

If so specified in the published notice soliciting sealed bids for any public work or improvement, any contract therefor may be let for a gross price or on a basis of cost per unit of work to be performed, and may also provide for liquidated damages to the city and county for every day during which the contract is uncompleted beyond such specified date. In awarding any contract, the department head concerned is authorized to compare bids on the basis of time of completion. When any award of contract has been made in consideration, in whole or in part, of the relative time estimates of bidders for the completion of the work, the time within which the contractor shall start work shall be fixed and the performance within such time limits shall be covered by the bond required of the contractor, and no extension may be granted on such contract beyond the date specified for completion, unless the liquidated damages for each day the work is uncompleted beyond the specified date shall be collected; provided, however, that this shall not apply to unavoidable delays due to acts of God.

If it becomes necessary, in the prosecution of any work or improvement under contract, to make alterations or modifications, or provide for extras in such contract such alterations, modifications or extras shall be made only on written

recommendation of the department head responsible for the supervision of the contract, together with the approval of the mayor or the mayor's designee ((chief administrative officer)) or the board or commission, as the case may be and also the approval of the controller, except as hereafter provided. Notwithstanding the provisions of Section [6.302] ((of the charter)), the mayor ((chief administrative officer)), or the board or commission, as the case may be, may delegate in writing the authority to approve such alterations, modifications or extras to the department head or officer empowered to execute such contracts. The controller may delegate in writing the authority to encumber funds from prior appropriations for such alterations, modifications or extras to the department head or officer empowered to execute such contracts prior to his or her certification for payment. Such authority, when granted, will clearly state the limitations of the changes to be encompassed.

In the performance of any contract awarded on the unit and the unit-cost basis, if the department head concerned ascertains that the amount of work done or to be done shall exceed the estimated amount of the contract by 10%, or more, the excess shall

be provided for as prescribed by Section TR-6.306 relative to supplemental appropriations.

Section 17. Article 2A of the San Francisco Administrative Code is hereby amended by adding section 2A.110 to read as follows:

SEC. 2A.110. DIRECTOR OF PROPERTY.

The director of property ((shall be the head of the department of property. He)) shall have charge of the purchase of real property and improvements required for all city and county purposes, and the sale and lease of real property and improvements thereon owned by the city and county, except as otherwise provided by this charter. In the acquisition of property required for street opening, widening or other public improvements, the director ((of property)) shall make preliminary appraisals of the value of the property sought to be condemned or otherwise acquired, and report thereon to the responsible officer. It shall be his or her duty, in addition, to assist in such proceedings on the request of the responsible officer.

Except for the Convention Facilities Management Department, each department authorized by the approval of bond issues or by

annual or supplemental appropriation ordinances to purchase or lease property or improvements needed for the purposes of such department shall make such purchases or leases through the director of property. The director of property ((He)) shall make a preliminary valuation of the property to be acquired or leased and report the same to the department requiring such property. For such purposes the director of property ((he)) may employ independent appraisers. The director of property ((He)) shall conduct negotiations with the owner or owners thereof, at the conclusion of which the director ((he)) shall report the terms on which such sale or lease may be concluded, together with his or her recommendations thereon. The head of the department concerned may report to the board of supervisors and recommend acceptance or that proceedings in eminent domain be instituted for the acquisition of such property.

The director of property shall maintain complete records and maps of all real property owned by the city, which shall show the purchase price, if known, and the department in charge of each parcel, with reference to deeds or grants establishing the city's title.

The director of property ((He)) shall annually report to the Mayor, the controller, the director of administrative services ((chief administrative officer)), and the supervisors, the estimated value of each parcel and improvement. The director of property ((He)) shall make recommendations to the mayor and director of administrative services ((chief administrative officer)) relative to the advantageous use, disposition, or sale of real property not in use.

Section 18. Section 7.603 of the 1932 Charter, converted to ordinance by operation of Section 18.103 of the Charter of 1996, is hereby repealed.

((SEC. TR-7.603. **SPECIAL ASSESSMENT PROJECTS.**

The board of supervisors shall establish a public improvement revolving fund to which the board may make appropriations from tax levies thereto for the purpose of such fund, and may establish procedure for the use of the credit of the city and county for the establishment of said revolving fund, to be used solely for the purpose of financing all or part of the initial cost of public improvements to be paid in whole or in part from the proceeds of special assessments levied against the property deemed to be

benefited. A bond issue or issues may be proposed, as authorized elsewhere in this charter, the proceeds of which shall be paid into said revolving fund for the financing of public improvements, provided that said revolving fund shall be reimbursed as prescribed in this section by the levy and collection of special assessments and that the interest and redemption or sinking fund charges on any bonds authorized for such purpose shall be paid from the proceeds of such levy.

On the recommendation of the director of public works and the chief administrative officer, sufficient bonds may be sold at one time to provide funds for the estimated cost of financing special assessment projects for a period of not to exceed one year. When any public improvement is to be financed in whole or in part from the proceeds of special assessments levied against the land deemed to be benefited, the director of public works, subject to the approval of the chief administrative officer, shall report to the controller the estimated cost of such improvement, the amount thereof to be levied by special assessment and the estimated amount of the appropriation to be made from the public improvement revolving fund to meet the initial cost of the project, including progressive payments and other direct or indirect costs chargeable

to such project, and shall recommend the appropriation of the necessary sum from such revolving fund.

The supervisors, by ordinance, may provide for the amount to be added to the contract price and other costs of the work, as interest for the use of the revolving fund monies in financing the cost of the improvement. Interest at the rate of not more than seven percent may be charged on the unpaid balances of special assessments in cases where the owners of property against which such assessments are levied elect to pay such assessments in installments.

The amount of all special assessments levied for the payment of work financed out of the public improvement revolving fund, together with all interest accruing thereon, shall be credited as collected to such revolving fund. The board of supervisors may prescribe the duties of any city and county office, agency or department in maintaining accounts of and collecting assessments for each such improvement.))

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APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By
THOMAS J. OWEN
Deputy City Attorney

(06/17/96)

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
June 24, 1996	July 1, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki
Absent: Supervisor Teng	Absent: Supervisor Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
97-96-19

JUL - 3 1996
Date Approved

Mayor

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FILE NO. 97-96-19.1 Amendment of the Whole 6/24/96 ORDINANCE NO. 278-96

[Chief Administrative Officer]

AMENDING THE SAN FRANCISCO ADMINISTRATIVE CODE BY AMENDING SECTIONS 1.6-A, 1.25-7, 1.48, 2.70, 2.70-5, 2.92, 3.06, 3.019, 3.15, 4.1, 4.1-1, 4.2, 4.3, 4.9-1, 4.10, 4.10-1, 4.11, 4.12, 5.7, 5.64, 5.83, 5.108.A-1, 5.108.A-3, 5.150, 6.1-1, 6.1-2, 6.1-5, 6.3, 6.6, 6.18, 6.20, 6.21, 6.22-1, 6.28, 6.30, 6.51, 7.3, 7.6-1, 7.7, 8.3, 8.5, 8.7, 8.12.2, 8.12-1, 8.12-2.1, 9A.1, 9A.3, 9A.4, 9A.5, 9A.7, 9A.8, 9A.9, 9A.12, 9A.15, 9A.17, 9A.18, 10.24, 10.33, 10.34, 10.43-5, 10.87, 10.98-1, 10.109-6, 10.110-1, 10.117, 10.117-4, 10.117-11, 10.117-26, 10.117-30, 10.117-35, 10.117-42, 10.117-69, 10.117-70, 10.117-78, 10.126, 10.171, 10.172, 10.172-1, 10.200, 10.201, 10.204, 10F.2, 11.5, 11.6, 11.21, 11.23, 11.25, 11.26, 11.30, 11.31, 12A.5, 12D.6, 12D.7, 12D.8, 12D.12, 12D.14, 12D.15 AND 12I.2 THEREOF, RELATING TO FUNCTIONS AND DUTIES OF THE CHIEF ADMINISTRATIVE OFFICER, TO CONFORM TO THE PROVISIONS OF THE CHARTER OF 1996; AND REPEALING SECTION 4.1-2 THEREOF, RELATING TO A CITY HALL PORTABLE COMMUNICATION SYSTEM, SECTION 4.14 THEREOF, RELATING TO THE TEMPORARY USE OF OFFICIAL VOTING MACHINES, AND SECTION 6.29 THEREOF, RELATING TO CONTRACT APPROVALS.

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Note: Additions or substitutions are indicated by <u>underlining</u>; deletions are indicated by ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended, by amending Section 1.6-A to read as follows:

SEC. 1.6-A. CORPORATE SEAL – ITEMS OFFERED FOR SALE BY THE CITY AND COUNTY.

(a) The Clerk of the Board is empowered to authorize the use of the City seal on items that are offered for sale by the City and County of San Francisco for the purpose of promoting the City and County of San Francisco. Prior to authorizing such use the Clerk shall procure from the <u>Director of Administrative Services</u> ((Chief Administrative Officer)) a plan describing the items that would bear the City seal. Such plan shall include the criteria used in determining the proposed items and an analysis of the marketability of each item. Only those items bearing the City seal that have been authorized by the Clerk pursuant to this Section may be offered for sale by the City and County of San Francisco.

(b) During the first two years after the effective date of this ordinance, the Director of Administrative Services ((Chief Administrative Officer)) shall quarterly submit in writing to the Board of Supervisors a report detailing uses of the City seal approved by the Clerk of the Board under provisions of this Section.

(c) This Section shall expire three years after its effective date.

Section 2. The San Francisco Administrative Code is hereby amended, by amending Section 1.25-7 to read as follows:

SEC. 1.25-7. HOLD HARMLESS AGREEMENTS PERTAINING TO COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT.

(a) Any license, permit, contract or other agreement or any amendment thereto respecting the use of those facilities known as the San Francisco Convention Facilities, containing a hold harmless provision pertaining to compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.) or with any other federal, state or local law or regulation intended to provide equal accessibility for persons with disabilities, may be executed as required by law without approval by the Board of

Supervisors, provided that said license, permit, contract or other agreement or any amendment thereto contains substantially the following hold harmless provisions:

Notwithstanding any other provision of this [license-permit-other], the City and County of San Francisco, primarily, and Spectator Management Group and its successors and assigns ("Manager"), secondarily, agree to indemnify and hold harmless the [licensee-permittee-other] from any and all liability, claims, fines, penalties and reasonable attorney's fees arising from any alleged failure of the physical structure, permanent improvements or permanent building access of the San Francisco Convention Facilities or from any temporary modification(s) to the physical structure or permanent building access, which may be necessary due to renovation, construction or repair of the San Francisco Convention Facilities, to comply with the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.) and all other applicable federal, state and local laws and regulations intended to provide equal accessibility for

persons with disabilities ("Disabilities Laws"), subject to the limitations below.

Neither the City and County of San Francisco nor Manager will indemnify nor hold harmless any [licensee-permittee-other] against, and the [licensee-permittee-other] shall be solely responsible for, any liability, claim, fine, penalty or attorney's fees arising from any failure by [licensee-permittee-other] to comply with any requirement of the Disabilities Laws relating to the non-permanent accessibility requirements of the Act, including but not limited to seating arrangement, auxiliary aids, set-up or organization by any exhibitor, decorator, agent or other representative of the [licensee-permittee-other] of any meeting room, display, exhibit, presentation or concession or for any liability, claim, fine, penalty or attorney's fees other than those arising solely from any failure of the physical structures, permanent facilities or permanent building access of the San Francisco Convention Facilities to comply with the Disabilities Laws; except that [licensee-permittee-other] shall not be responsible for auxiliary facilities provided at

[licensee-permittee-other]'s request which the City and County of San Francisco, through its Manager, has agreed in writing to provide for use in the San Francisco Convention Facilities to comply with the Disabilities Laws.

[Licensee-Permittee-Other] agrees that it will use reasonable efforts in a timely manner to determine the needs and requirements of disabled persons who may be attending the event and in accordance with the rules and regulations promulgated by Manager, inform the Manager of the results of its efforts and of the accessibility services the [licensee-permittee-other] will provide to accommodate such disabled attendee(s) in compliance with the requirements of the Disabilities Laws.

(b) Any modification to the hold harmless provision approved as set forth in this section, which may hereafter be negotiated between the Manager and [licensee-permittee-other], shall require the written approval of the Director of Administrative Services ((Chief Administrative Officer)) and of the City Attorney. Any [license-permit-other] entered into and any

obligation incurred contrary to the provisions of this section shall be void and any claim or demand against the City and County of San Francisco based thereon shall be invalid.

Section 3. The San Francisco Administrative Code is hereby amended, by amending Section 1.48 to read as follows:

SEC. 1.48. CITY STORE – MERCHANDISE – PROFITS.

(a) **Findings.** The Board of Supervisors hereby finds and declares that the establishment of a San Francisco City Store which sells surplus or salvage City goods and souvenir merchandise bearing City marks, logos, emblems and symbols to the public shall serve the purpose of increasing public awareness of and participation and civic pride in the City and County of San Francisco. It shall also help to promote the City as a worldwide tourist destination and convention center, thereby benefiting the overall economy of the City.

(b) **Establishment of a City Store.** The Director of Administrative Services ((Chief Administrative Officer)) or the Purchaser is hereby authorized to take all actions necessary to establish a San Francisco City Store for the purpose of selling to the public City surplus or salvage goods offered by any department

or commission for such purpose, newly manufactured souvenir merchandise bearing City marks, logos, emblems, symbols and designs and duplicates of unique goods routinely purchased by the City to promote and advertise the City and County of San Francisco.

(1) The Director of Administrative Services ((Chief Administrative Officer)) or the Purchaser may also provide for the sale of City Store merchandise through direct mail catalogue programs and agreements with retailers and distributors.

(2) The Director of Administrative Services ((Chief Administrative Officer)) or Purchaser shall ensure that a portion of the profits from the sale of City surplus or salvage goods is credited to the department or commission which offered them for sale, with the exception that all revenues received by City from the sale of salvage goods which were originally purchased with monies from a special fund shall be credited to the account of such special fund.

Section 4. The San Francisco Administrative Code is hereby amended, by amending Section 2.70 to read as follows:

SEC. 2.70. INTERDEPARTMENTAL STAFF COMMITTEE ON TRAFFIC AND TRANSPORTATION (ISCOTT).

There is hereby established a committee to be known as the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT), consisting of the department heads or their designated representatives from the following departments and agencies: Parking and Traffic, Public Works, Police, Fire, Public Health, Municipal Railway, and City Planning. The Director of the Department of Parking and Traffic, or his or her designee shall serve as Chair of ISCOTT. The Director of Administrative Services ((Chief Administrative Officer)) or his or her designee shall review recycling plans and recommend with ISCOTT when the Committee considers for approval applications for the temporary use or occupancy of a public street, a street fair or an athletic event which include the dispensing of beverages or other use which generates large volumes of recyclable materials, pursuant to the provisions of Section 2.70-5. In exercising its powers the Committee shall consult with any other City department or agency which could be affected by any temporary use or occupancy of a public street. The Committee shall have the authority to take all acts reasonably necessary for it to carry out any duties imposed upon it by ordinance. Before acting on any application for

temporary use or occupancy of public streets, street fair or an athletic event, ISCOTT shall conduct a public hearing at publicly noticed times and at places to be determined by the Committee.

Section 5. The San Francisco Administrative Code is hereby amended, by amending Section 2.70-5 to read as follows:

SEC. 2.70-5. RECYCLING, COLLECTION AND DISPOSITION.

(a) Any applicant seeking permission for the temporary use or occupancy of a public street, a street fair or an athletic event within the City and County for an activity or special event that includes dispensing of beverages from glass, aluminum, or plastic containers, or which causes to be generated large amounts of other recyclable materials, shall be required to submit a plan demonstrating a good-faith effort to provide a method to separate glass, aluminum and plastic beverage containers or other materials for the purpose of recycling.

(b) **Disposition of Recyclable Materials.** Prior to the review by ISCOTT of such application, the applicant shall submit to the chair of ISCOTT the following information:

(1) A plan which describes the number and location of source-separated recycling containers which are necessary to

ensure convenient utilization and protect public health and safety; and

(2) Documentation that collection services shall be performed by a private or nonprofit source.

(c) **Collection of Recyclable Containers.** At the time ISCOTT considers the application, it shall determine that all of the necessary information has been submitted and that the measures proposed by the applicant shall provide for the collection and disposition of source-separated materials. The applicant shall pay a deposit in the amount of $100, for each day of the event, to the Director of Public Works, at the time the application is filed, which shall be forfeited if applicant fails to collect recyclable materials and deposit said materials at a recycling facility. Such deposit shall be refunded in full to the permittee, by the Director of Public Works, upon receipt of documentation which verifies that the collected material was disposed at an appropriate recycling facility.

The Director of Public Works shall maintain records for a period of three years which document the recycling performance of the applicant when a temporary use of a public street is permitted. If an applicant for a temporary street closing, street

fair or athletic event has been granted approval in the past pursuant to a permit issued by the City and County of San Francisco and failed to collect and dispose recyclable beverage containers, ISCOTT may require the applicant to pay a deposit in an amount greater than that normally required, so long as the increased amount is reasonably related to the anticipated costs of collecting and disposing of recyclable materials. However, if an applicant who has failed to comply with a recycling plan in the past has, since that occurrence, temporarily used a public street, or sponsored a street fair or athletic event pursuant to a permit and has complied with a recycling plan, the amount of the deposit normally required of applicants shall apply.

The Director of Administrative Services ((Chief Administrative Officer)) shall promulgate any rules and regulations necessary or appropriate to carry out the purposes and requirements of this ordinance. Before issuing or amending any rules or regulations, the Director of Administrative Services ((Chief Administrative Officer)) shall provide a 30-day public comment period by providing published notice in an official newspaper of general circulation in the City of the intent to issue or amend the regulations.

Section 6. The San Francisco Administrative Code is hereby amended, by amending Section 2.92 to read as follows:

SEC. 2.92. EFFICIENCY EVALUATION — PLAN.

(a) The Controller shall establish a Performance and Efficiency Audit Office in the Controller's Office to improve the overall efficiency of City government by identifying inefficient operations and functions of departments, agencies, boards, and commissions of the City and County of San Francisco that should be eliminated. The Controller's Office shall prepare a plan that shall include, but not be limited to, an evaluation of expenditures in terms of the effectiveness of the service or product delivered by City departments and utilization of employees and contractual services, and shall include a review of the following:

(1) Elimination of inefficient operations and functions,

(2) Consolidation of duplicative and overlapping activities and functions,

(3) Integration and standardization of information maintenance systems that promote interdepartmental sharing of information and resources,

(4) Departmental accounting for expenditure of resources in terms of effectiveness of the service or product delivered,

(5) Departmental deployment and utilization of personnel, the City's personnel procurement system, and reforms to enhance the quality of work performance of public employees,

(6) Methods of operation to reduce consumption and waste of resources,

(7) Departmental compliance with judicial, legislative and administrative mandates,

(8) Records available, such as, Grand Jury reports, Budget Analyst audits, previous budgets and appropriations and justifications, and Controller internal audits,

(9) An analysis of cost-cutting recommendations from employees and suggestions from users of governmental services.

((The Controller shall submit a preliminary report to the Mayor, the Chief Administrative Officer and the Board of Supervisors by March 31, 1990, and shall submit such plan to the Mayor, the Chief Administrative Officer and the Board of Supervisors by December 31, 1990.))

(b) The Controller shall report the execution of the plan described herein and the implementation of recommendations

resulting from evaluations of City operations by December 31, 1991. The Controller shall establish a schedule for City departments to report annually departmental administrative and operational changes undertaken to implement recommendations to the Board of Supervisors.

Section 7. The San Francisco Administrative Code is hereby amended, by amending Section 3.06 to read as follows:

SEC. 3.06. CAPITAL IMPROVEMENT ADVISORY COMMITTEE — MEMBERSHIP.

The Capital Improvement Advisory Committee shall be composed of the Mayor or the Mayor's designee ((Chief Administrative Officer)), who shall act as chair, the Controller, the Director of Public Works, the Director of Planning, the General Manager of Utilities, the General Manager of the Recreation and Park Department, the Director of Airports, the Director of Property, the Director of Public Health, and the Port Director. Each member of the committee in writing may appoint a permanent alternate to sit in the member's place in his or her absence.

Section 8. The San Francisco Administrative Code is hereby amended, by amending Section 3.019 to read as follows:

SEC. 3.019. STEERING COMMITTEE: MEMBERSHIP.

The Steering Committee shall be composed of the following seven members: (1) the Director of Administrative Services ((Chief Administrative Officer)), or his or her designated representative; (2) the Controller, or the Director of Systems and Data Processing as the designee of the Controller; (3) the Budget Analyst of the Board of Supervisors, or his or her designated representative; (4) the Executive Deputy Mayor for Fiscal and Program Administration, or his or her designated representative; and (5) through (7), three heads of City departments which use electronic information processing resources, or their designated representatives. The City department members shall be selected and replaced by committee members (1) through (4).

Section 9. The San Francisco Administrative Code is hereby amended, by amending Section 3.15 to read as follows:

SEC. 3.15. SUPPLEMENTAL APPROPRIATION ORDINANCES.

If any supplemental appropriation ordinance, recommended by the Mayor ((Chief Administrative Officer)) or a member of the Board of Supervisors ((by any board, commission or elective officer, respectively)), subsequent to adoption of the budget for

any current or prior fiscal year and prior to the close thereof, contains any item which has been rejected by the Mayor in his or her review of departmental budget estimates for said current or prior fiscal years or which had been rejected by the Board of Supervisors in its consideration of the Mayor's proposed budget for said current or prior fiscal years, the fact of such rejection shall be indicated on said supplemental appropriation ordinance.

Section 10. The San Francisco Administrative Code is hereby amended, by amending Section 4.1 to read as follows:

SEC. 4.1. ALLOCATION OF OFFICE SPACE IN CITY HALL AND HALL OF JUSTICE.

The Director of Property shall have charge of the allocation of office space in City Hall and Hall of Justice. Any department or office requiring additional office space in City Hall or Hall of Justice shall make application therefor to the Director of Property. Departments and officers in charge of other public buildings may transfer control of any office space to the Director of Property, who shall thereafter be in charge thereof, until requested to retransfer such space. Any assignment of office space or any proposed remodeling of any of the foregoing properties,

while under the control of the Director of Property, shall require the approval of the Director of Administrative Services ((Chief Administrative Officer)) and the cost of remodeling shall be subject to the provisions of the annual or supplementary appropriation ordinances.

Section 11. The San Francisco Administrative Code is hereby amended, by amending Section 4.1-1 to read as follows:

SEC. 4.1-1. PUBLIC BUILDINGS AND GROUNDS; ADMINISTRATION AND PROTECTION.

The Director of Administrative Services ((Chief Administrative Officer)) shall have charge of all public buildings and grounds of the City and County not otherwise under the jurisdiction and control of an officer, board or commission of said City and County, and shall have the power to prescribe rules and regulations for the administration and protection of any of said buildings and grounds.

Copies of any rule or regulation prescribed by the Director of Administrative Services ((Chief Administrative Officer)) pursuant to the provisions of this section shall be posted in a

conspicuous place in the public building or grounds to which said rule or regulation apply.

Section 12. Section 4.1-2 of the San Francisco Administrative Code is hereby repealed.

((SEC. 4.1-2. **COMMUNICATION EQUIPMENT.**

A portable communication system shall be located at all times in City Hall; shall only be used for official purposes; and shall be operated only by City and County officers or employees. The system shall be securely stored in the office of the Mayor and may be released for use only upon the written authorization of the Mayor, Chief Administrative Officer, President of the Board of Supervisors, Chief of Police or Fire Chief. The system shall at all times be maintained by the Mayor in proper operating condition.))

Section 13. The San Francisco Administrative Code is hereby amended, by amending Section 4.2 to read as follows:

SEC. 4.2. **INSTALLATION OF FOOD VENDING MACHINES — AUTHORIZED.**

The head of any department in charge of improved city property, a building or space therein, excepting space inside and

outside of offices in City Hall, may, when such arrangements seem to him or her desirable from the standpoint of both the department's operations and the welfare of the employees, and with the approval of the Director of Administrative Services ((Chief Administrative Officer)), board or commission concerned, arrange through the Purchaser of Supplies for the installation of stands dispensing food products or for the installation of machines or stands dispensing candy, gum, popcorn, peanuts, tobacco products, newspapers, periodicals and soft beverages.

Section 14. The San Francisco Administrative Code is hereby amended, by amending Section 4.3 to read as follows:

SEC. 4.3. **INSTALLATION OF FOOD VENDING MACHINES — ARRANGEMENT FOR SPACE INSIDE AND OUTSIDE CITY HALL.**

The Director of Property shall have the exclusive right, with the approval of the Director of Administrative Services ((Chief Administrative Officer)), to arrange for the installation of the machines mentioned in the preceding section and for space in City Hall, both inside and outside of offices. Such arrangements shall be made through the City Purchaser.

Section 15. The San Francisco Administrative Code is hereby amended, by amending Section 4.9-1 to read as follows:

SEC. 4.9-1. INSTALLATION OF FOOD VENDING MACHINES — ISSUANCE OF PERMITS FOR INSTALLATION AT SAN FRANCISCO GENERAL HOSPITAL.

Permits for the installation of vending machines may also be issued to the Volunteer Auxiliary to San Francisco General Hospital. No charge shall be made for such permit, nor shall there be any rental or other charge in connection with the operation of such machines by the Volunteer Auxiliary. The Director of Public Health shall have the exclusive right ((, with the approval of the Chief Administrative Officer,)) to arrange through the Purchaser of Supplies for the installation of said machines. The net proceeds from the operation and sales from such vending machines shall be used only for the benefit of patients at said hospital as approved by the Director of Public Health. It is further provided that the net proceeds shall be expended for the purposes set forth herein not later than June 30th of the succeeding fiscal year. Any remaining funds not so expended, if any, shall be deposited in the city treasury to the credit of the Department of Public Health not later than 60 days after the close of said fiscal year. It is provided further that said Volunteer Auxiliary shall file an

annual report with the Director of Public Health ((Chief Administrative Officer)) on forms approved by the Controller. Said forms shall state the proceeds received, the disbursements thereof and the purposes for which the proceeds have been expended.

Installation pursuant to the provisions of this section may be made for any of the items specified in Section 4.2 of this Code and for any other items approved by the Director of Public Health.

Section 16. The San Francisco Administrative Code is hereby amended, by amending Section 4.10 to read as follows:

SEC. 4.10. USE OF CITY SEAL ON CITY-OWNED PASSENGER AUTOMOBILES; COLOR.

Required. Every passenger automobile, title to which is vested in the City and County, shall have imprinted in a conspicuous place upon its side in appropriate colors and lettering, not less than six inches in diameter, a replica of the corporate seal of the City and County. Passenger automobiles shall be uniform in color, as determined by the Purchaser of Supplies with the approval of the Director of Administrative Services ((Chief Administrative Officer)).

Imprinting Seal On New Automobiles. When any passenger automobile is purchased or acquired for the use of any department of the government of the City and County, the same shall be delivered to the Purchaser of Supplies at such place as may be designated by the Purchaser and it shall be the duty of the Purchaser to have imprinted on the automobile in a conspicuous place on its side in appropriate colors and lettering, not less than six inches in diameter, a replica of the corporate seal of the City and County. The Purchaser of Supplies shall not deliver to any department or official any city-owned passenger automobile until the replica of the corporate seal of the City and County is imprinted thereon.

Exceptions. The Director of Administrative Services ((Chief Administrative Officer)) shall have the authority to exempt any automobile from the provisions of this section; provided, however, that the Director of Administrative Services ((Chief Administrative Officer)) shall not exempt any automobile from the necessity of having a seal affixed thereon, unless the automobile is used for special investigation and inspection work by the Police and Fire Departments or any other department that might require the use of an automobile without a seal for such purpose.

Section 17. The San Francisco Administrative Code is hereby amended, by amending Section 4.10-1 to read as follows:

SEC. 4.10-1. CITY-OWNED VEHICLES; ASSIGNMENT; TRANSFER; INSPECTION.

(a) The Purchaser of Supplies is hereby authorized, subject to the approval of the Director of Administrative Services ((Chief Administrative Officer)), to: (1) assign any vehicle purchased by him or her pursuant to the provisions of the annual appropriation ordinance to a department head for use by his or her department head for use by his or her department in accordance with the provisions of Section 4. 10-1 (b) and Section 4.11 of this Code; (2) transfer any vehicle assigned to, or under the jurisdiction of, any City and County department.

(b) Each year the Purchaser of Supplies shall inspect each vehicle which has been in service for six years or has been driven more than 60,000 miles and based upon the condition, usage, and maintenance and repair history of the vehicle, recommend its retention, transfer or replacement.

Section 18. The San Francisco Administrative Code is hereby amended, by amending Section 4.11 to read as follows:

SEC. 4.11. USE OF CITY-OWNED VEHICLES.

(a) Vehicles owned, leased or rented by the City and County and assigned to, or under the jurisdiction of, any department of the City and County, shall be used only in the discharge and transaction of municipal business. No officer, employee or authorized volunteer of the City and County shall use any such vehicle without the consent of the head of such department. The head of the department which has jurisdiction over any such vehicle may not assign any such vehicle to any individual officer or employee unless a written request justifying the need for personal assignment is made by the individual officer or employee and approved by the Director of Administrative Services ((Chief Administrative Officer)).

(b) No vehicle owned, leased or rented by the City and County and assigned to, or under the jurisdiction of, any department of the City and County shall be used for transportation to and from an employee's place of residence except as provided below:

(1) The employee resides in or both resides and works outside of the City and County and is on call for work after his or her normal workday is completed and the nature of the work has required the use of a City and County vehicle after hours on at least five occasions in the preceding 12-month period; or,

(2) The employee resides in or both resides and works outside of the City and County and must leave his or her residence prior to 8:00 a.m. on City and County business away from his or her normal place of work; or

(3) The employee resides in or both resides and work outside of the City and County and would return to his or her normal place of work from an appointment on City and County business after 6:00 p.m. or on a weekend; or,

(4) The employee is a member of the San Francisco Police Department, San Francisco Sheriff's Department, San Francisco Water Department, San Francisco Department of Public Works, or San Francisco Department of Emergency Services, and has the prior written permission of the department head to use a vehicle equipped with emergency equipment for such purpose, subject to such restrictions and regulations as the Chief of Police, Sheriff or Director of Emergency Services may provide for the respective

departments. The departments shall keep detailed records of all vehicles used pursuant to this paragraph; said records shall be open to inspection by the Office of the Mayor and the Board of Supervisors; and provided further that the number of vehicles so exempted shall not exceed:

San Francisco Water Department	42
San Francisco Police Department	33
San Francisco Sheriff's Department	5
San Francisco Department of Emergency Services	2
San Francisco Department of Public Works	17

(5) The employee is a forensic pathologist employed by the Office of the Medical Examiner ((/Coroner)) and has prior written permission of the Medical Examiner ((/Coroner)) to use a City and County vehicle and is on call before or after normal work hours in order to respond to and investigate death scenes. The Medical Examiner ((/Coroner)) shall keep detailed records of all vehicles used pursuant to this subsection; said records shall be open to inspection by the Director of Administrative Services ((Chief Administrative Officer)) and the Board of Supervisors; and

provided further that the number of vehicles so exempted shall not exceed two vehicles; or,

(6) The employee is a resident of the City and County of San Francisco and is driving the vehicle to and from the employee's place of residence solely for the purpose of garaging the vehicle at his or her place of residence during nonwork hours, with the approval by resolution of the Board of Supervisors, upon the recommendation of the Director of Administrative Services ((Chief Administrative Officer)), where the head of the department which has jurisdiction over such vehicle finds that the public interest will be best served by permitting the employee to take the vehicle home, rather than require the City to garage the vehicle.

(c) Penalty. Any employee violating the provisions of this section shall pay to the City and County an amount equal to three times the City and County's mileage reimbursement rate times the number of miles driven in violation thereof.

(d) Except as otherwise provided by ordinance, an authorized volunteer, while operating a motor vehicle owned by the City and County pursuant to authorization by the head of the department to which said vehicle is assigned or which has

jurisdiction over said vehicle, shall be deemed to be an employee of the City and County solely for purposes of California Vehicle Code Section 17001 and Division 3.6 of Title 1 of the Government Code of the State of California, and for no other purpose; provided, however, that nothing herein contained shall be deemed to permit the authorization to operate a motor vehicle owned, leased or rented by the City and County contrary to the provisions of the Vehicle Code of the State of California.

Section 19. The San Francisco Administrative Code is hereby amended, by amending Section 4.12 to read as follows:

SEC. 4.12. **AUTOMOBILE POOL.**

Power To Establish. ((Pursuant to the authority vested in the Board of Supervisors by the provisions of Section 2.101 of the Charter, there)) There is hereby conferred upon the Purchaser of Supplies the power to establish, maintain and operate an automobile pool, the location of which shall be subject to the approval of the Board of Supervisors by resolution, from which there shall be made available to authorized officers and employees of the City and County, as needed, such vehicular passenger

transportation as may be requisite for the proper performance of their official duties.

Regulations. The requisition and operation of vehicles assigned to the automobile pool, and all related matters incidental to the maintenance and operation of the pool, shall be prescribed by written regulations promulgated by the Purchaser of Supplies, with the approval of the Director of Administrative Services ((Chief Administrative Officer)) and the Board of Supervisors.

Assignment of Vehicles to Pool. Vehicles now or hereafter allocated to any department of the City and County shall be transferred from the jurisdiction thereof to the jurisdiction of the Purchaser of Supplies for assignment to and use in the automobile pool, whenever such transfer shall be authorized and directed by resolution of the Board of Supervisors.

Section 20. Section 4.14 of the San Francisco Administrative Code is hereby repealed.

((SEC. 4.14. **TEMPORARY USE OF OFFICIAL VOTING MACHINES.**

((Pursuant to the provisions of Section 1.101 of the Charter, defining powers vested in the City and County, and the provisions

of Section 2.101 of the Charter, defining powers vested in the Board of Supervisors, the)) The Director of Finance and Records is hereby empowered and authorized to permit the temporary use of official voting machines by agencies and organizations making application therefor, subject to the following conditions:

Application. Application for the temporary use of one or more official voting machines shall be filed with the Registrar of Voters on application forms furnished by the Registrar of Voters, and shall set forth such information as may be required by the Director of Finance and Records.

Insurance or Bond Required. Prior to releasing custody of any official voting machine for which an application for temporary loan has been made, the Director of Finance and Records shall require the applicant to furnish to the City and County a policy of insurance or a bond sufficient in form and amount to indemnify the City and County against loss of or damage to the voting machine. Such insurance or bond shall be approved as to form by the City Attorney; and shall be in such amount as shall be acceptable to the Controller, the Chief Administrative Officer and the Director of Finance and Records.

Fees. A fee shall be charged for the temporary use of each official voting machine pursuant to the provisions of this Section, the fee to be sufficient in amount to cover all costs incidental to the use, including transportation and replacing of the machines in complete working order for official elections. A schedule of the fees shall be proposed by the Director of Finance and Records and shall be approved by the Controller and the Chief Administrative Officer.

Inapplicability of Section. The provisions of this Section shall not be applicable to the temporary loan of official voting machines to the properly constituted authorities in charge of public and parochial educational institutions within the City and County for use therein, and the Director of Finance and Records is hereby vested with the power to effect such temporary loans on such terms as may be acceptable to him or her.))

Section 21. The San Francisco Administrative Code is hereby amended, by amending Section 5.7 to read as follows:

SEC. 5.7. COMPOSITION; CHAIRMAN.

The members of the State Legislation Committee shall be the Mayor, who shall act as chair, the City Attorney, ((the Chief

Administrative Officer,)) two members of the Board of Supervisors to be designated by the President of the Board of Supervisors, the Controller, the Assessor and the Treasurer.

Each of the above-named members may designate a duly authorized representative to attend the meeting in his or her absence.

Section 22. The San Francisco Administrative Code is hereby amended, by amending Section 5.64 to read as follows:

SEC. 5.64. CITIZENS ADVISORY COMMITTEE FOR STREET UTILITY CONSTRUCTION.

There is hereby established a committee to be known as the Citizens Advisory Committee for Street Utility Construction consisting of 21 members to be appointed by the Mayor ((Chief Administrative Officer)) as follows: one representative from each of the following: Department of Public Works, Police Department; Water Department, Municipal Railway; Pacific Gas and Electric Company, Gas Division; Pacific Gas and Electric Company, Electric Division Pacific Telephone Company; Western Union; Television Signal Corporation; San Francisco Planning and Urban Renewal Association; Greater San Francisco Chamber of Commerce; San

Francisco Council of District Merchants Association; Associated General Contractors of California; organized labor; Downtown Association; and six members selected from neighborhood organizations representing the various neighborhoods within the city. The committee shall elect a chair from the membership thereof. Any member may delegate an alternate within his or her respective organization to represent him or her at any meeting of the committee in the member's absence. Vacancies on the committee shall be filled by the Mayor ((Chief Administrative Officer)) in the manner herein provided for the appointment of the original members.

Section 23. The San Francisco Administrative Code is hereby amended, by amending Section 5.83 to read as follows:

SEC. 5.83. REPORTS.

The Committee shall render annually a written report of its activities to the Mayor, to the Director of Administrative Services ((Chief Administrative Officer)), and to the Board of Supervisors. It may from time to time initiate reports to the various officers of the City and County on specific election matters.

Section 24. The San Francisco Administrative Code is hereby amended, by amending Section 5.108.A-1 to read as follows:

SEC. 5.108.A-1. ESTABLISHMENT OF THE COUNTY VETERANS SERVICE OFFICER.

The County Veterans Service Officer is hereby created on the recommendation of the Mayor and the Director of Administrative Services ((Chief Administrative Officer)), and is placed under the Director of Administrative Services ((Chief Administrative Officer, as provided for in Section 2.101 of the Charter of the City and County of San Francisco)). The Director of Administrative Services ((Chief Administrative Officer)) shall recommend for Board of Supervisors approval the qualifications for serving as the County Veterans Service Officer and the compensation for the position. The Director of Administrative Services ((Chief Administrative Officer)) shall provide said Officer with such assistance and facilities as are necessary to carry out his or her duties. The Director of Administrative Services ((Chief Administrative Officer)) shall nominate for appointment by the Board of Supervisors candidates who are qualified to serve as the

County Veterans Service Officer. Pursuant to California Military and Veterans Code, Section 970, such Officer shall be a veteran.

Section 25. The San Francisco Administrative Code is hereby amended, by amending Section 5.108.A-3 to read as follows:

SEC. 5.108.A-3. APPROPRIATION.

The Director of Administrative Services ((Chief Administrative Officer)) shall request the appropriation of funds to compensate the County Veterans Service Officer and to fund other necessary personnel, services, and facilities as may be reasonably necessary to enable the Officer to exercise his or her power and perform duties under this section.

Section 26. The San Francisco Administrative Code is hereby amended, by amending Section 5.150 to read as follows:

SEC. 5.150. COMMISSION ON SAN FRANCISCO'S ENVIRONMENT ESTABLISHED.

(a) There is hereby established the Commission on San Francisco's Environment. This Commission shall be advisory to the Board of Supervisors.

(b) There shall be 15 voting members to the Commission, who shall be appointed as follows:

1. One member shall be appointed by each member of the Board of Supervisors (total of 11 members), effective upon written notice of the appointment being filed with the Clerk of the Board of Supervisors.

2. Four members shall be appointed by the Board of Supervisors.

There shall also be four ex officio, non-voting, members of the Commission. Two ((One)) of the ex officio members shall be appointed by the Mayor, ((one shall be appointed by the Chief Administrative Officer,)) one shall be appointed by the Director of Public Health, and one shall be appointed by the Director of City Planning.

(c) The members of the Commission shall be broadly representative of the ethnic, racial, gender, age and sexual orientation diversity of the City and County. All members of the Commission shall be residents of the City and County of San Francisco((, in accordance with Section 8.104 of the Charter)). In making appointments to the Commission the appointing authorities shall give particular consideration to individuals put forward by

city-wide organizations concerned with the environment and ecology of the City, and shall attempt to ensure that the Commission as a whole is representative of the environmental and ecological interests of all segments of the City's population, and all geographic areas of the City.

Section 27. The San Francisco Administrative Code is hereby amended, by amending Section 6.1-1 to read as follows:

SEC. 6.1-1. PORT COMMISSION; DEPARTMENT OF PUBLIC WORKS; TIME FOR AWARD OF CONTRACTS.

Notwithstanding the provisions of Section 6.1 of this chapter, the Port Director, upon the approval of the Port Commission, may specify in its call for bids a period of time to award said bid exceeding 30 days or may extend the time of award of any such bid with the consent of the successful bidder, and the Director of Public Works, upon the approval of the Mayor or the Mayor's designee ((Chief Administrative Officer)) may specify in his or her call for any bid for construction, reconstruction or alteration of or addition to any school building, for the protection of life and property, pursuant to the provisions of Article 4, Chapter 2, of the California Education Code, Sections

15451, et seq. (the Field Act), a period of time within which to award said bid exceeding 30 days, or may extend the time of award of any such bid with the consent of the successful bidder.

Section 28. The San Francisco Administrative Code is hereby amended, by amending Section 6.1-2 to read as follows:

SEC. 6.1-2. TIME FOR AWARD OF CONTRACTS FOR FEDERAL AND STATE GRANT AND LOAN PROJECTS.

Notwithstanding the provisions of Section 6.1 of this chapter, the Director of Public Works, upon the approval of the Mayor or the Mayor's designee ((Chief Administrative Officer)), may award any contract, for which federal or state grant and/or loan funds are available to the City and County within the period of time specified in the Special Provisions for any such contract, or within an extended period beyond such specified in the Special Provisions for any such contract, or within an extended period beyond such specified time with the consent of the successful bidder.

Section 29. The San Francisco Administrative Code is hereby amended, by amending Section 6.1-5 to read as follows:

SEC. 6.1-5. TIME FOR AWARD OF CONTRACTS REQUIRING THE

APPROVAL OF THE RECREATION AND PARK COMMISSION.

Notwithstanding the provisions of Section 6.1 of this Chapter, for any public work contract requiring the approval of the Recreation and Park Commission of the City and County of San Francisco, the Director of Public Works, upon the approval of the Mayor or the Mayor's designee ((Chief Administrative Officer)), may award the contract up to a period of 120 days where that period of time is specified in the Special Provisions for any such contract, or within an extended period beyond that specified in the Special Provisions for any such contract, with the consent of the successful bidder.

Section 30. The San Francisco Administrative Code is hereby amended, by amending Section 6.3 to read as follows:

SEC. 6.3. ACCEPTANCE OF OTHER THAN LOWEST BIDS; REPORTS.

If the officer or department head empowered to award a contract exceeding $15,000 believes that the public interest would be best served by accepting other than the lowest gross price or unit cost bid, and the contract is entered into with another bidder, written report shall be made immediately to the Director of Administrative Services ((Chief Administrative Officer)), the

Mayor and the Controller by the officer authorized to execute the contract, with the reasons for failure to accept such lowest bid.

Section 31. The San Francisco Administrative Code is hereby amended, by amending Section 6.6 to read as follows:

SEC. 6.6. ALTERATIONS, MODIFICATIONS, ETC., INCREASING OR DECREASING PRICE; EXCESS COST ON UNIT COST BASIS.

(a) **Increasing Contract Price.** Alterations, modifications or extras in any contract, which will increase the contract cost, may be made or allowed only on the written recommendation of the department head responsible for the supervision of the contract, together with the approval of the Mayor or the Mayor's designee ((Chief Administrative Officer)) or the board or commission, as the case may be, and also the approval of the Controller, stating the increased price to be paid by reason thereof.

(b) **Decreasing Contract Price.** Allowances, modifications or credits in any contract which will decrease the contract cost may be made or allowed only upon recommendation of the department head responsible for the supervision of the contract, together with the approval of the Mayor or the Mayor's designee ((Chief Administrative Officer)) or board or commission, as the case may

be, and also the approval of the Controller, stating the amount to be deducted from the amount to be paid under the contract.

(c) **Unit Cost Basis.** In the performance of any contract awarded on the unit and the unit cost basis, if the department head concerned ascertains that the amount of work done or to be done shall exceed the estimated amount of the contract by 10 percent or more, the excess cost shall be provided for as prescribed by Section 9.113 ((6.306)) of the Charter, relative to supplemental appropriations.

Section 32. The San Francisco Administrative Code is hereby amended, by amending Section 6.18 to read as follows:

SEC. 6.18. REJECTION OF BIDS; EXECUTION OF WORK BY CITY.

The department head, with the approval of the Mayor or the Mayor's designee ((Chief Administrative Officer)), or the department head, with the approval of the board or commission to which he or she is responsible, may reject any and all bids and readvertise for bids. When bids have been invited pursuant to the required procedure and no bid is received, or where all bids received are for the same total amount or unit price, the department head, with the approval of the Mayor or the Mayor's

designee ((Chief Administrative Officer)), or the department head, with the approval of the board or commission to which he or she is responsible, may order the related work to be executed in the most expeditious manner, provided, however, that the price paid for such work shall not exceed any bid price received for the same work.

Section 33. The San Francisco Administrative Code is hereby amended, by amending Section 6.20 to read as follows:

SEC. 6.20. **SURETY BOND REQUIREMENTS FOR PUBLIC WORKS' CONTRACTS; APPROVAL BY CONTROLLER; FAILURE TO FILE BOND.**

Before the execution of any contract for public works or improvements, the department head or officer authorized to enter into such contracts shall require the successful bidder to file corporate surety bonds for the faithful performance thereof and to guarantee the payment of wages for services engaged and of bills contracted for material, supplies and equipment used in the performance of the contract. The bond shall be for a sum not less than 50 percent of the award.

The Controller shall approve the sufficiency and qualifications of all sureties as required under the provisions of this Chapter.

If any bidder to whom the contract is awarded under the provisions of this chapter shall for 10 days after such award fail or neglect to enter into the contract and file the required bond, the department head or officer in whom authority to execute the contract is vested shall deposit the corporate surety bond or certified check referred to in Section 6.19 of this Code with the Treasurer for collection and the proceeds thereof shall be retained by the City and County as liquidated damages for the failure of such bidder to enter into such contract, unless upon recommendation of the department head or officer authorized to execute the contract, together with the approval of the Mayor or the Mayor's designee ((Chief Administrative Officer)), board or commission, the Board of Supervisors, by resolution, approves the return of such bond or check.

Section 34. The San Francisco Administrative Code is hereby amended, by amending Section 6.21 to read as follows:

SEC. 6.21. **CITY TO BE SAVED HARMLESS FROM DAMAGES,**

COSTS, INFRINGEMENT ON PATENT RIGHTS, COPYRIGHTS, ETC.; EXCEPTIONS AS TO AIRPORT LIGHTING SYSTEM.

Each contractor must save, keep, bear harmless and fully indemnify the City and County and any of its officers or agents from all damages or claims for damages, costs or expenses in law or equity that may at any time arise or be set up for any infringement of the patent rights, copyright or trademark of any person in consequence of the use by the City and County, or any of its officers or agents, of articles to be supplied under the contract and of which the contractor is not the patentee or assignee or has not the lawful right to sell the same; except, at the option of the department head concerned and with the approval of the City Attorney and the Mayor ((Chief Administrative Officer)), board or commission concerned, any contractor may be exempted from the provisions of this Section in consequence of the use of the installation of projectors for a high intensity airport lighting system for the landing and takeoff of aircraft if such system is in accordance with the requirements of the specifications of the United States of America in projects wherein federal funds are granted and used; and, provided, that funds are

available and have been set aside by the Controller to meet any liability which may exist in connection with such installation.

Section 35. The San Francisco Administrative Code is hereby amended, by amending Section 6.22-1 to read as follows:

SEC. 6.22-1. ASSIGNMENT OF CONTRACTS.

No contract shall be assigned except upon the recommendation of the department head concerned and with the approval of the Mayor or the Mayor's designee ((Chief Administrative Officer)), relative to the department under the Mayor's ((his or her)) jurisdiction, or the approval of the board or commission concerned for departments not under the Mayor ((Chief Administrative Officer)).

Section 36. The San Francisco Administrative Code is hereby amended, by amending Section 6.28 to read as follows:

SEC. 6.28. AUTHORIZATION AND PERFORMANCE OF WORK COSTING LESS THAN FIFTY THOUSAND DOLLARS TO BE PERFORMED BY THE CITY.

Generally. Any construction, reconstruction or repair of public buildings, streets, utilities or other public work or improvement estimated to cost less than $50,000 may be performed

under contract or written order or by the employment of the necessary labor and purchase of the necessary materials and supplies directly by the City and County. ((Any public work or improvement executed by the City and County other than routine repair work shall be authorized by the Chief Administrative Officer or by the heads of the department not under the Chief Administrative Officer only after detailed estimates have been prepared and submitted by the head of the department concerned. Any public work or improvement costing less than $50,000 and not performed by the use of City and County labor, materials and supplies shall, if not performed under contract, be covered by written order or agreement, which shall be based on not less than three bids, notice of which shall be given by three days' posting.))

Unit Cost to be Determined. It shall be the duty of the Controller to determine, where practicable, the unit cost of work done by the City and County for the purpose of determining whether similar work could be done under public contract at a lower cost.

Records and Approval. The Controller shall maintain records of bids filed by departments in relation to the total direct and indirect cost of each such work and shall report thereon

periodically to the Mayor ((and Chief Administrative Officer)). The Controller may refuse to approve contracts with a department shown to be repeatedly underbidding on contract work and failing to complete same within the contract price.

Section 37. Section 6.29 of the San Francisco Administrative Code is hereby repealed.

((SEC. 6.29. **DEPARTMENT HEAD MAY SIGN CONTRACTS UNDER FIFTY THOUSAND DOLLARS; APPROVAL AND CERTIFICATION OF CONTRACTS EXCEEDING FIFTY THOUSAND DOLLARS.**

The department head shall have the power to sign any contract when the estimated expenditure thereunder is not in excess of $50,000. Any contract involving the expenditure of over $50,000 shall require the joint approval of the department head and the Chief Administrative Officer, relative to departments under his or her jurisdiction, or the signature of the department head and the approval by resolution of the board or commission concerned for departments not under the Chief Administrative Officer; provided, that no obligation involving the expenditure of money shall be incurred unless certification of the Controller is first obtained in accordance with Section 6.302 of the Charter.))

Section 38. The San Francisco Administrative Code is hereby amended, by amending Section 6.30 to read as follows:

SEC. 6.30. EMERGENCY REPAIRS, WORK AND CONTRACTS.

A. The Board of Supervisors hereby declares that in an actual emergency caused by:

1. Weather conditions, fire, flood or other unforeseen occurrences of unusual character; or

2. The breakdown of any plant, equipment, structure, street or public work necessitating immediate emergency repair or reconditioning to safeguard the lives or property of the citizens; or the property of the City and County; or to maintain the public health or welfare; and

a. Including the installation, repair, construction and alteration of crossings and switch work and special work in connection therewith, at street and other railway crossings and at street intersections, when the same is to be done by or for the Municipal Railway; and

b. Including the installation, repair, construction and alteration of the fire alarm, police communication and traffic signal systems, when the same is to be performed by or for the Department of Electricity; and

c. Including the work of making connections, installing gate valves, installing or transferring services and performing such other work therewith to existing water pipes, when the same is to be done by or for the San Francisco Water Department and when such work will leave one or more fire hydrants or water consumers without water; or

3. Unforeseen occurrences of unusual character resulting in an insufficient number of hospital beds or the lack of hospital beds or the lack of hospital, surgical, mental health or hospital ancillary services so as to leave patients of the City and County without required hospital or medical services.

Such repair, reconditioning or other emergency work or contract may be executed in the most expeditious manner by the department head responsible therefor, who shall, if the emergency permits, first secure the approval in writing of the Mayor or the Mayor's designee ((Chief Administrative Officer)), if the emergency work or contract is to be done or ordered by any department under his or her jurisdiction; or, for the departments not under the Mayor ((Chief Administrative Officer)), the approval in writing of the president of the board or commission concerned or of the Mayor; provided, however, that in all cases wherein the

anticipated cost of the emergency work exceeds $25,000, the department head shall first obtain the approval of the Board of Supervisors.

B. If the emergency does not permit such approvals to be obtained before work is commenced or the contract entered into, such approvals as hereinabove mentioned shall be obtained as soon thereafter as it is possible to do so. The department head concerned shall notify the Controller immediately of the work involved or the contract entered into and the estimated cost thereof; and shall notify the Board of Supervisors not more than seven days after work has been commenced.

C. For purposes of this section, "an actual emergency" means a sudden, unforeseeable and unexpected occurrence involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services.

An "actual emergency" shall also mean the discovery of any condition involving a clear and imminent danger to public health or safety, demanding immediate action, which discovery was sudden and unforeseen and which would not have been made in the regular course of business.

Section 39. The San Francisco Administrative Code is hereby amended, by amending Section 6.51 to read as follows:

SEC. 6.51. SUBLETTING OR SUBCONTRACTING PORTION OF WORK.

Subletting or subcontracting of any portion of the work in excess of ½ of one percent of the general contractor's total bid as to which no subcontractor was designated in the original bid shall only be permitted in cases of public emergency or necessity; and then only after a written report to the Mayor, the Controller and the ((Chief Administrative Officer,)) board or commission concerned, if any, setting forth the facts constituting the emergency or necessity.

Section 40. The San Francisco Administrative Code is hereby amended, by amending Section 7.3 to read as follows:

SEC. 7.3. DISASTER COUNCIL – CREATED; COMPOSITION; APPOINTMENT OF MEMBERS.

The City and County Disaster Council is hereby created and shall consist of the following:

(a) The Mayor, who shall be the chair.

(b) The vice-chair, who shall be appointed by the Mayor ((the Chief Administrative Officer)), and who, in the absence of or at the direction of the Mayor, shall act on his or her behalf on matters within the purview of this Chapter.

(c) Such officers in charge of emergency services as are provided for in the current emergency plan of this City and County.

(d) Such other representatives of civic, business, labor, veterans, professional, or other organizations having an official emergency responsibility, as may be appointed by the Mayor.

(e) Three members of the Board of Supervisors, to be appointed by the President of the Board.

(f) Controller.

(g) The Director of Emergency Services who shall be the Executive Secretary.

Section 41. The San Francisco Administrative Code is hereby amended, by amending Section 7.6-1 to read as follows:

SEC. 7.6-1. THE EMERGENCY SERVICES OF SAN FRANCISCO – VICE-COMMANDER; POWERS AND DUTIES.

There is hereby created the position of Vice-Commander of Emergency Services of San Francisco. The Mayor shall appoint a ((The Chief Administrative Officer shall be the)) Vice-Commander of Emergency Services of San Francisco. The Vice-Commander, in the absence of or at the direction of the Commander, shall act on the Commander's ((his or her)) behalf on matters within the purview of this Chapter.

Section 42. The San Francisco Administrative Code is hereby amended, by amending Section 7.7 to read as follows:

SEC. 7.7. THE EMERGENCY SERVICES OF SAN FRANCISCO – DIRECTOR; POWERS AND DUTIES.

(a) There is hereby created the office of Director of Emergency Services, who shall be appointed by the Mayor. The Mayor, as chair of the Disaster Council and Commander of Emergency Services, shall employ a Director of Emergency Services, who shall have the expert qualifications for the work of emergency preparedness and relief and whose duty it shall be, subject to the general supervision of the Mayor and with the assistance of officers in charge of the Emergency Services, to develop and manage an emergency plan of the City and County, to coordinate all

protective and relief services for the City and County, the training of all personnel connected therewith and the operation and implementation of all emergency plans and activities. As far as the Disaster Council and the Emergency Services and this work is concerned, the Director shall be subordinate only to the Mayor and he or she shall work in close cooperation with the Disaster Council and with the heads of the several departments of the municipal government and the officers in charge of the Emergency Services. Under the general supervision of the Mayor, the Director shall maintain the necessary contacts with the State Emergency Council and the several local disaster councils within this metropolitan area, in order that coordination of the work of the Disaster Council with the State Emergency Council and other disaster councils may be had. The Director shall serve as the Executive Secretary of the City and County Disaster Council and shall have such other powers and duties as may be assigned by the Mayor. The compensation of the Director shall be fixed in accordance with the fiscal and budgetary provisions of the Charter.

(b) The Director of Emergency Services shall manage the City and County's 911 communication system facility and shall

direct all operations related to taking calls from members of the public seeking emergency police, fire and medical assistance and related to the dispatch of emergency police, fire and medical services. All programs and staff related to emergency services call-taking and dispatch shall be transferred to the Office of Emergency Services. Notwithstanding the duty imposed by this section, the Director shall only assume the responsibility to manager call-taking and call dispatch regarding requests for emergency medical services upon approval from the San Francisco Health Commission. On or about 180 days prior to the estimated completion of the 911 communication system facility, the Director of Telecommunications and Information Services ((Chief Administrative Officer)) shall certify to the Mayor, the Board of Supervisors, the Chief of Police, the Fire Chief and the Director of the Department of Public Health the anticipated date upon which the facility will be operational. To the maximum extent consistent with the Charter, the duties imposed on the Director of Emergency Services by this subsection and the transfer of programs and staff to the Office of Emergency Services shall be effective upon the date certified by the Director of Telecommunications and Information Services ((Chief Administrative Officer)).

Section 43. The San Francisco Administrative Code is hereby amended, by amending Section 8.3 to read as follows:

SEC. 8.3. RETENTION AND DESTRUCTION OF RECORDS GENERALLY.

It shall be the duty of each department head to classify the department's records, using the classifications set forth in Section 8.4 of this Code, and to prepare a schedule for the systematic retention and destruction of such records, which schedule shall comply with the provisions of this Section and of Sections 8.4 and 8.9 of this Code and will be effective only upon approval by the officers and boards specified below.

Current records and storage records, as defined in Section 8.4 of this Code, may be destroyed five years after they were created if they have served their purpose and are no longer required for any public business or other public purpose, except that records pertaining to financial matters shall be destroyed only after approval by the Controller; those having legal significance only after approval by the City Attorney; and payroll checks, time cards and related documents only after approval by the Retirement Board.

If requested by the Retirement Board, payroll checks, time cards and related documents shall be delivered to the Retirement Board instead of being destroyed.

Current records and storage records less than five years old may be destroyed or otherwise disposed of if their destruction or other disposition within a shorter length of time will not be detrimental to the City and County or defeat any public purpose and if a definitive description of such records and the retention period applicable to them are set forth in a schedule for the systematic retention and destruction of records that is prepared by the department head, approved by the Mayor or the Mayor's designee ((Chief Administrative Officer,)) or the board or commission concerned, and approved by the City Attorney as to records of legal significance, by the Controller as to records relating to financial matters, by the Retirement Board as to time rolls, time cards, payroll checks and related matters.

Permanent records, as defined in Section 8.4 of this Code, and essential records, as defined in Section 8.9 of this Code, shall not be destroyed or otherwise disposed of except as set forth in those sections. The provisions of this Section do not

department head, and with the approval of the Mayor or the Mayor's designee ((Chief Administrative Officer)), board or commission.

The cost of handling and distribution by the Purchaser of Supplies in accordance herewith shall be payable out of the departmental funds referred to in this Section ((, subject to the provisions of Section 6.305 of the Charter)).

Section 47. The San Francisco Administrative Code is hereby amended, by amending Section 8.12-1 to read as follows:

SEC. 8.12-1. **SALE OF SYSTEMS TIME AND PROGRAMMING TIME.**

The Purchaser of Supplies, with the approval of the Director of Telecommunications and Information Services ((Chief Administrative Officer)), and the recommendation of the Controller, is authorized to enter into agreements to sell systems time and programming time at rates established by the Purchaser and the Controller.

Section 48. The San Francisco Administrative Code is hereby amended, by amending Section 8.12-2.1 to read as follows:

SEC. 8.12-2.1. **SALE OF CABLE CAR CENTENNIAL MEDALS.**

The Director of Administrative Services ((Chief Administrative Officer)) or the Purchaser of Supplies is authorized to sell the 1½-inch silver or bronze Cable Car Centennial Medals to promote the City and County of San Francisco at a price to be determined by them.

Section 49. The San Francisco Administrative Code is hereby amended, by amending Section 9A.1 to read as follows:

SEC. 9A.1. **ESTABLISHMENT AUTHORIZED; APPROVED SALES.**

The Director of Administrative Services ((Chief Administrative Officer)) is hereby authorized to establish in the City and County a Farmers' Market and to maintain the same to direct the operations of the market for the sale of food, agricultural and horticultural products, fresh and dried, and for the sale of fish by the growers, producers or fishers thereof in the State.

(a) The sale of fish shall be limited to the sale of whole fish or fish filleted on the premises with properly sanitized utensils. All fish shall be stored at a temperature of 45° Fahrenheit or lower. All fish shall be sold from self-contained

vehicles. There shall be proper waste disposal of any unsold fish and all fish cuttings, trimmings, wrappings and containers.

Section 50. The San Francisco Administrative Code is hereby amended, by amending Section 9A.3 to read as follows:

SEC. 9A.3. LOCATION.

The Farmers' Market may be located at any suitable site selected by the Director of Administrative Services ((Chief Administrative Officer)) and owned or leased by the City and County.

Section 51. The San Francisco Administrative Code is hereby amended, by amending Section 9A.4 to read as follows:

SEC. 9A.4. ADMINISTRATION.

The operation of the Farmer's Market, when established, shall be administered by the Director of Administrative Services ((Chief Administrative Officer)) or shall be placed by him or her under such department under his or her jurisdiction as he or she shall deem proper.

Section 52. The San Francisco Administrative Code is hereby amended, by amending Section 9A.5 to read as follows:

SEC. 9A.5. ADVISORY COMMITTEE.

The Director of Administrative Services ((Chief Administrative Officer)) shall appoint a committee of two consisting of a member selected from the fruit, vegetable and fish industries in the City and County and a member who shall represent the producers of fruits, vegetables and fish disposed of at the market. Both such members shall hold office only at the pleasure of the Director of Administrative Services ((Chief Administrative Officer)). The Committee shall advise the Director of Administrative Services ((Chief Administrative Officer)) or the department head in charge of the market as to the general policies under which the market shall be conducted and generally as to the character and nature of the products to be disposed of therein. The Director of Administrative Services ((Chief Administrative Officer)) shall investigate all recommendations made by the Committee and, if he or she deems them proper, shall order the policies carried out in the market.

Section 53. The San Francisco Administrative Code is hereby amended, by amending Section 9A.7 to read as follows:

SEC. 9A.7. FEES.

Fees currently estimated sufficient to pay the operating and maintenance costs of the Farmers' Market and within a reasonable time to liquidate all capital expenditures made thereof, recommended by the Director of Administrative Services ((Chief Administrative Officer)) and approved by the Controller, shall be charged to the seller of all products offered for sale at the Farmers' Market effective April 1, 1992, as follows:

April 1, through November 30

(a) Daily stall fee:

Tuesday through Thursday	$ 5.50
Friday	11.00
Saturday	19.00

December 1, through March 31

Tuesday through Thursday	4.50
Friday	8.50
Saturday	14.00

(b) Entrance tonnage fee (to be charged only once against a given load).

$4.00 for the first 1,000 pounds or fraction thereof.

$3.00 for the second 1,000 pounds or fraction thereof.

$5.00 for each additional 2,000 pounds or fraction thereof.

Section 54. The San Francisco Administrative Code is hereby amended, by amending Section 9A.8 to read as follows:

SEC. 9A.8. DISTRIBUTION OF SURPLUS COMMODITIES TO NEEDY PERSONS.

Whenever there exists a surplus of farm commodities available for distribution to needy persons and families in the City and County, the Director of Administrative Services ((Chief Administrative Officer)) may authorize the allocation of space at the Farmers' Market for distribution of such surplus to needy persons and families; provided:

(a) That such distribution will not interfere with the normal operations of the market;

(b) That the distribution shall entail no expense to the City and County other than use of space at the market;

(c) That such distribution shall be for a limited period, in no case to exceed 90 days in any one calendar year;

(d) That recipients of the surplus commodities are certified as needy and eligible for receipt of the commodities by the Welfare Department of the City and County; and

(e) That the commodities are distributed free without any charges whatsoever to recipients.

No market or other fees shall be charged in connection with distribution of surplus commodities as provided in this section.

Section 55. The San Francisco Administrative Code is hereby amended, by amending Section 9A.9 to read as follows:

SEC. 9A.9. RULES AND REGULATIONS.

The Director of Administrative Services ((Chief Administrative Officer)) is hereby authorized to make such rules and regulations as he or she shall deem proper for the conduct of the market and for the maintenance of sanitary conditions therein and for the identification of persons offering products for sale in the market, which rules shall not be in conflict with the provisions of this Chapter but shall be in furtherance thereof. Such rules shall be posted in a conspicuous place in the market

and when so posted shall be deemed to be promulgated by the Director of Administrative Services ((Chief Administrative Officer)) and shall thereafter have the same force and effect as though included in this Chapter.

Section 56. The San Francisco Administrative Code is hereby amended, by amending Section 9A.12 to read as follows:

SEC. 9A.12. HOURS OF OPERATION.

The days and hours during which the Farmers' Market shall operate shall be fixed by the rules and regulations adopted and promulgated by the Director of Administrative Services ((Chief Administrative Officer)); provided that the market shall not operate on Sunday.

Section 57. The San Francisco Administrative Code is hereby amended, by amending Section 9A.15 to read as follows:

SEC. 9A.15. SAME – TERMS AND CONDITIONS.

Permits to use the market facilities shall operate to vest in the permittee the privilege of entering on the market premises and making use of the market facilities only upon the following terms and conditions:

(a) The proper filing on an application duly made out for a permit to use the market facilities;

(b) The granting of written permission by the permittee, given concurrently with the application for a permit to use and enjoy the market facilities, for the duly authorized representative of the department head to enter on land owned or possessed, in whole or in part, and in the case of fish, on the boat or other property owned or possessed, in whole or in part, by the permittee at all reasonable times for the purpose of determining what farm or market produce or edible merchandise has been produced on such land or, in the case of fish, caught or bred, with the use of or on such premises of such properties. Such license to enter on the land or property of the permittee shall be given expressly in consideration of the granting of the permit applied for and shall be irrevocable during such period that the permit is in full force and effect and for an additional period of ten days thereafter;

(c) Compliance with the requirements of all ordinances relating to the operation, use and enjoyment of the facilities or the market premises;

(d) Compliance with all rules and regulations of the Director of Administrative Services ((Chief Administrative Officer)) regarding use of the market facilities.

Section 58. The San Francisco Administrative Code is hereby amended, by amending Section 9A.17 to read as follows:

SEC. 9A.17. PERMIT – EFFECT OF SUSPENSION OR REVOCATION.

A permittee of a suspended permit shall not enter onto market premises for any purpose during such period of time as the permit is suspended. A permittee whose permit has been suspended shall be ineligible to apply for a new permit during such period as his or her permit is under suspension. Any permittee whose permit has been revoked shall be ineligible to apply for a new permit for a period of two years following such revocation unless sooner allowed to qualify for a permit by the Director of Administrative Services ((Chief Administrative Officer)). Any permittee whose permit has been suspended more than twice in an 18-month period may, upon the occasion giving grounds for a third suspension, have such permit indefinitely suspended or revoked in the discretion of the department head.

Section 59. The San Francisco Administrative Code is hereby amended, by amending Section 9A.18 to read as follows:

SEC. 9A.18. PERMIT – APPEALS.

Any applicant denied a permit or any permittee whose permit has been suspended or revoked by the department head may immediately file an appeal in writing with the Director of Administrative Services ((Chief Administrative Officer)). The Director of Administrative Services ((Chief Administrative Officer)) shall set a time for hearing the appeal which shall be within seven days of the date of filing thereof. The applicant or permittee shall be notified of the time and place of the hearing in advance thereof and shall be entitled to appear at the hearing and be heard. After such hearing the Director of Administrative Services ((Chief Administrative Officer)) may concur in the action of the department head, or he or she may overrule the department head and order that the permit be immediately granted or restored. The Director of Administrative Services ((Chief Administrative Officer)) shall appoint an officer to act on such appeals in his or her absence who shall have the same powers with respect thereto as are herein granted the Director of Administrative Services ((Chief Administrative Officer)).

Section 60. The San Francisco Administrative Code is hereby amended, by amending Section 10.24 to read as follows:

SEC. 10.24. CLAIMS IN FAVOR OF THE CITY AND COUNTY – SETTLEMENT.

(a) **Claim Under $5,000, Not Litigated.** Any claim in favor of the City and County of San Francisco which does not exceed in amount the sum of $5,000; and is not the subject of litigation may be settled and compromised on the written recommendations of the department head, or of the board or commission in charge of the department in favor of which such claim is made, and the City Attorney.

(b) **Claim Over $5,000, Not Litigated.** If the claim exceeds in amount the sum of $5,000; and is not the subject of litigation, the same may be settled and compromised only on the written recommendations of the department head, or the board or commission, and the City Attorney, and the approval of the Board of Supervisors by resolution.

(c) **Litigated Claim Under $5,000.** Any litigated claim in favor of the City and County in which the total claim does not exceed in amount the sum of $5,000; may be settled and compromised by the City Attorney upon written recommendation of the head of

the department in favor of which such claim is made, subject to the written approval of the Mayor or the Mayor's designee ((Chief Administrative Officer)) with respect to the departments under the Mayor's ((his or her)) jurisdiction and subject to the approval by resolution of the board or commission having jurisdiction over such department in other cases.

Section 61. The San Francisco Administrative Code is hereby amended, by amending Section 10.33 to read as follows:

SEC. 10.33. EFFECT OF TRAVEL EXPENSE REGULATIONS.

In the event that any routine trip is of such character as is contemplated by the current annual travel expense ordinance, but which does not require specific authorization by the Board of Supervisors, each elective officer in charge of an administrative office, the Controller, the Mayor or the Mayor's designee ((Chief Administrative Officer)) and each board or commission, with the concurrence of the Controller, may provide for allowances and payments to officers and employees within their respective jurisdictions for the related trip in accordance with the provisions of the annual travel expense ordinance in effect at the commencement of the trip.

Section 62. The San Francisco Administrative Code is hereby amended, by amending Section 10.34 to read as follows:

SEC. 10.34. GRANT OF AUTHORITY TO USE AUTOMOBILES; ESTABLISHMENT OF MILEAGE RATES.

When funds have been appropriated for such purpose, each elective officer in charge of an administrative office, the Controller, the Mayor or the Mayor's designee ((Chief Administrative Officer)) and each board or commission may authorize officers and employees within their respective jurisdictions to use privately owned automobiles in connection with any official routine duty or service and to be compensated for such use, on the basis of the actual number of miles traveled, at rates to be established by the Controller.

The Controller is hereby authorized and directed to establish said mileage rates and annually to examine into and revise said rates in accordance with such examination. The Controller shall submit to the Board of Supervisors for ratification all rates established pursuant to the provisions hereof, and such rates shall not become effective until appropriations for payment on the

basis thereof shall have been duly enacted by the Board of Supervisors and have become available for the purpose.

Section 63. The San Francisco Administrative Code is hereby amended, by amending Section 10.43-5 to read as follows:

SEC. 10.43-5. RENTAL DEPOSITS, CIVIC AUDITORIUM AND BROOKS HALL.

The Director of Property, with the approval of the Director of Administrative Services ((Chief Administrative Officer)), upon the cancellation of an advance reservation for space in the Civic Auditorium and Brooks Hall, or either of them, and for which a money deposit has been made, is empowered to refund the said deposit, in whole or in part, provided the Director of Property determines the best interests of the City and County will be served thereby and there is deducted from said refund any loss or expense suffered by the City and County. Refund of deposits shall be made in accordance with procedures established by the Controller.

Section 64. The San Francisco Administrative Code is hereby amended, by amending Section 10.87 to read as follows:

SEC. 10.87. SPECIAL GAS TAX STREET IMPROVEMENT FUND – AGREEMENTS IN CONNECTION WITH FUND.

In connection with the Special Gas Tax Street Improvement Fund, the Director of Public Works ((Chief Administrative Officer)) is hereby authorized to execute, on behalf of the City and County, all project statements, amended project statements, memoranda of agreements and amended memoranda of agreements for streets which have been or shall be designated by the Board of Supervisors as streets of major importance, the cost of improving which is to be paid out of the Special Gas Tax Street Improvement Fund.

Nothing contained in this Section shall be construed as authorizing the Director of Public Works ((Chief Administrative Officer)) to deviate in any manner whatsoever, other than as herein provided, from the full and complete prosecution of the projects designated for improvement with funds, in whole or in part, from the Special Gas Tax Street Improvement Fund, as set up in each annual or supplemental appropriation ordinance.

Section 65. The San Francisco Administrative Code is hereby amended, by amending Section 10.98-1 to read as follows:

SEC. 10.98-1. NEIGHBORHOOD BEAUTIFICATION AND GRAFFITI CLEAN-UP FUND; ESTABLISHMENT; ACCEPTANCE OF GIFTS; DUTIES.

(a) **Establishment of Fund.** There is hereby established a special fund for the purpose of receiving all donations of money which may be collected by the City and County of San Francisco for the purposes enumerated in Section 10.98(b). Monies deposited in the fund shall only be expended for the purposes enumerated therein, provided that such expenditures shall include reimbursement to City and County departments for expenses incurred in the administration of the fund. The special fund shall be known and designated as the Neighborhood Beautification and Graffiti Clean-up Fund.

(b) **Acceptance of Gifts.** All donations of money which may be offered to the Neighborhood Beautification and Graffiti Clean-up Fund are hereby accepted for such purposes. Any grants, gifts and bequests from private sources for this purpose shall be deposited into said special fund.

(c) **Duties of the Mayor ((Chief Administrative Officer)).**

(1) The Mayor ((Chief Administrative Officer)), or his or her designee, shall be responsible for the administration of the Neighborhood Beautification and Graffiti Clean-up Fund, and shall

have all such authority as may be reasonably necessary to carry out those responsibilities.

(2) The Mayor ((Chief Administrative Officer)) shall promulgate such rules and regulations as he or she may deem appropriate to carry out the provisions of this Section and Section 10.98. Before issuing or amending any rules and regulations, the Mayor ((Chief Administrative Officer)) shall provide a 30-day public comment period by providing published notice in an official newspaper of general circulation in the City of the intent to issue or amend the rules and regulations. The rules and regulations shall be approved by resolution of the Board of Supervisors. Such rules and regulations shall include, but not be limited to, the qualifications of applicants and factors to be considered in the award of grants to fund programs to help remove graffiti and promote neighborhood beautification projects, including preference for the following projects: youth programs and innovation, projects that are neighborhood generated, and projects designed to benefit areas of San Francisco that are economically disadvantaged.

(3) The Mayor ((Chief Administrative Officer)) shall submit a semi-annual report to the Board of Supervisors setting forth an

accounting of the amounts disbursed and the uses for which said funds were made.

(d) **Budgetary and Fiscal Provisions of the Charter.** The monies in this fund are subject to the budgetary and fiscal provisions of the Charter and may be expended only when authorized by appropriate ordinance of the Board of Supervisors.

(e) **Interest.** Interest earned from the Neighborhood Beautification and Graffiti Clean-up Fund shall become part of the principal thereof, and shall not be expended for any purpose other than that for which said fund is established.

(f) **Accumulation of Monies in Fund.** The balance remaining in the Neighborhood Beautification and Graffiti Clean-up Fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of Charter Section 9.113 ((6.306)) and shall be carried forward and accumulated in said fund for the purposes recited herein.

Section 66. The San Francisco Administrative Code is hereby amended, by amending Section 10.109-6 to read as follows:

SEC. 10.109-6. **SAN FRANCISCO CONVENTION PROMOTION AND SERVICES FUND: ESTABLISHMENT OF FUND; ACCEPTANCE OF GIFTS; AUTHORIZATION TO EXPEND; AND ACCRUAL OF MONIES IN FUND.**

A. **Establishment of Fund.** There is hereby established a special fund in the Treasury of the City and County of San Francisco to be known as the San Francisco Convention Promotion and Services Fund (Convention Fund) for the purpose of receiving all donations of money, property and personal services which may be offered to the City and County of San Francisco through the Office of the Mayor for the use and benefit of the City to promote and to provide services to conventions within the City and County of San Francisco.

B. **Acceptance of Gifts.** All donations of money, property and personal services which may from time to time be offered to the City and County of San Francisco Convention Fund are hereby accepted for such purposes.

C. **Authorization to Expend.** Expenditures from the Convention Fund shall be for the following purposes: (1) provide for improvements to convention facilities and (2) provide services to convention sponsors. The Mayor and Director of Administrative Services ((Chief Administrative Officer)) shall approve said expenditures. The Fund shall be deemed appropriated pursuant to law.

D. **Interest.** Interest earned from the Convention Fund shall become part of the principal and shall not be drawn from the fund for any purpose other than that for which the Convention Fund is established.

E. **Accrual of Monies in Fund.** Any unexpended balances remaining in the Convention Fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of Section 9.113 ((6.306)) of the Charter and shall be carried forward and accumulated in the Convention Fund for the purposes recited herein.

F. Any existing City and County of San Francisco affirmative action programs apply specifically to this ordinance.

Section 67. The San Francisco Administrative Code is hereby amended, by amending Section 10.110-1 to read as follows:

SEC. 10.110-1. DEPARTMENT OF PUBLIC HEALTH; ACCEPTANCE OF GIFTS.

There is hereby established a special fund created for methadone treatment for the purpose of receiving all gifts, donations and contributions of money, property and personal services which may be offered to the City and County of San Francisco through the Department of Public Health for use by the

Department of Public Health for purposes of methadone treatment. Said special fund shall be known as the "Department of Public Health Methadone Treatment Fund."

All gifts, donations and contributions of money, property and personal services which may from time to time be offered to the City and County of San Francisco through its Department of Public Health are hereby accepted for such purposes. Expenditures from this fund shall be authorized by ((the Chief Administrative Officer and)) the Director of Public Health.

Section 68. The San Francisco Administrative Code is hereby amended, by amending Section 10.117 to read as follows:

SEC. 10.117. ACCEPTANCE FOR LITTER CONTROL; SPECIAL FUND CREATED.

All cash gifts, donations and contributions of money that may from time to time be offered to the City and County through any of its officers, boards or commissions for litter control are hereby accepted for such purpose and when received shall be deposited in the treasury of the City and County in a special fund to be known as the "Litter Control Fund," a public trust.

All expenditures shall be made upon the recommendation of the Director of Public Works, subject to the approval of the Mayor or

the Mayor's designee ((Chief Administrative Officer)) and in accordance with the budget and other fiscal provisions of the Charter.

Section 69. The San Francisco Administrative Code is hereby amended, by amending Section 10.117-4 to read as follows:

SEC. 10.117-4. WATER QUALITY IMPROVEMENTS TRUST FUND.

There is hereby created a "Special Water Quality Improvement Trust Fund," wherein shall be deposited all federal, state, and other grants, gifts, subventions, or other funds received by the City and County in consequence of or as reimbursement of expenditures of City and County funds on its facilities for sewage treatment and water pollution control. All expenditures from the fund shall be for engineering or technical investigation, construction, reconstruction, modernization, additions and betterments to water pollution control plants, sludge disposal, combined sewers overflow treatment facilities including control systems, and the following items if directly related to the design of water pollution control: engineering equipment, rental of office space, training, technical seminars, conferences and recruitment. The fund shall not be used for any maintenance or

operation expense. All expenditures shall be authorized by the Deputy Director, Wastewater Program, and approved by the Director of Public Works ((Chief Administrative Officer)) or in accordance with the fiscal provisions of the Charter.

Section 70. The San Francisco Administrative Code is hereby amended, by amending Section 10.117-11 to read as follows:

SEC. 10.117-11. FEDERAL GRANTS FOR HIGHWAY SAFETY PROJECTS — APPLICATION FOR AND ACCEPTANCE OF.

The Board of Supervisors does hereby authorize ((the Chief Administrative Officer and/or)) the Director of Public Works or his or her designated representative ((their designated representatives)) to execute and file applications and to execute all documents required in connection with an offer and acceptance of "Federal Grants For Highway Safety Projected Under The National Traffic And Motor Vehicle Safety Act of 1966." (15 U.S.C. Sec 1381 et seq.) for a study of fixed-object single-vehicle accidents, and the development of electronic data processing of accident and related information.

Section 71. The San Francisco Administrative Code is hereby amended, by amending Section 10.117-26 to read as follows:

SEC. 10.117-26. SPECIAL ALCOHOL AND DRUG ABUSE FUND.

(a) **Established.** There is hereby established a special fund for the purpose of receiving contributions for:

(1) Prevention based television commercials;

(2) Prevention based radio commercials;

(3) Specialized communications (such as magazine ads, direct mail);

(4) Promotional materials (such as transportation advertising, door hangers, posters, etc.); and

(5) Promotional activities (such as special events, luncheons).

Said special fund will be known as the "Special Alcohol and Drug Abuse Prevention Fund". Said special fund shall be used solely for the following purposes:

(1) Payment for Prevention based television commercials;

(2) Payment for Prevention based radio commercials;

(3) Purchase of required materials for the conduct of the Alcohol and Drug Abuse Prevention Campaign (manuals, audio tapes, video tapes, audio-visual aids, etc.);

(4) Fund staff development programs in support of Alcohol and Drug Abuse Prevention Campaign; and

(5) Other expenses incidental to the delivery of the Alcohol and Drug Abuse Prevention Campaign.

(b) **Administration and Expenditures from Fund.** The monies in said special fund shall be set aside for the aforesaid purposes and expenditures therefrom shall be approved by the Program Chief, Community Substance Abuse Services and the ((;)) the Director of Health ((; and the Chief Administrative Officer)).

The balance remaining in the Special Alcohol and Drug Abuse Prevention Fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of the provisions of Section 9.113 ((6.306)) of the Charter and shall be carried forward and accumulated in said fund for the purposes recited herein.

Section 72. The San Francisco Administrative Code is hereby amended, by amending Section 10.117-30 to read as follows:

SEC. 10.117-30. SAN FRANCISCO GENERAL HOSPITAL STORES FUND.

(a) **Established.** There shall be established in the treasury of the City and County a special fund to be known as the San

Francisco General Hospital Stores Fund in the amount of $1,346,557, said sum having been determined to be the inventory balance as of June 30, 1981 by the office of the Controller and the independent auditor.

(b) **Use of Money in Fund.** The San Francisco General Hospital Stores Fund shall be used exclusively for the purchase, storage and clearance of materials and supplies required for the use of San Francisco General Hospital in connection with its performance.

(c) **If Balance Insufficient.** Should the unencumbered balance of the San Francisco General Hospital Stores Fund be insufficient at any time to provide for the purchase, storage and clearance of materials and supplies required for the immediate use of the San Francisco General Hospital, the Controller may, upon the recommendation of the department head ((and the approval of the Chief Administrative Officer)), transfer up to 10 percent from any surplus appropriation other than personal services and make such sums available in the San Francisco General Hospital Stores Fund for the purchase, storage and clearance of the required materials and supplies.

(d) **Administration of the Expenditures from Fund.** The procedure of administering the San Francisco General Hospital Stores Fund shall conform to the provisions of the Charter, the annual appropriation ordinance or supplemental appropriation ordinance(s), and the procurement procedure as prescribed by the Controller and the purchaser of supplies.

(e) The provisions of this ordinance shall be reviewed annually commencing on the effective date hereof.

Section 73. The San Francisco Administrative Code is hereby amended, by amending Section 10.117-35 to read as follows:

SEC. 10.117-35. COURTHOUSE CONSTRUCTION FUND.

All funds collected pursuant to Resolution No. 713-92 of the Board of Supervisors of the City and County of San Francisco as authorized by Section 76238 of the California Government Code from surcharges on first filing fees, and all funds collected pursuant to Resolution No. 713-92 as authorized by Sections 76000 and 76100 of the California Government Code from penalty assessments in criminal and parking cases, shall be deposited into a special fund to be known as the "Courthouse Construction Fund" as provided in such Sections 76000, 76100 and 76238. Pursuant thereto, the monies

in such fund, together with any interest earned thereon, are payable only for the purpose of assisting the City and County of San Francisco (the "City") in the acquisition, rehabilitation, construction and financing of courtrooms or of a courtroom building or buildings containing facilities necessary or incidental to the operation of the justice system at the time necessary therefor. In conjunction therewith, the monies in such fund including interest, may be applied to pay or reimburse the City for any lease rental payments or debt service payments or any other costs and expenses incurred by the City in connection with any lease financing or other financing entered into for the purpose of acquiring, rehabilitating, or constructing courtrooms, a courthouse building or buildings or courtroom facilities as hereinabove described. Such payments may be applied, upon the recommendation of the Director of Administrative Services ((Chief Administrative Officer)), to the prepayment or early retirement of lease revenue bonds or any other type of indebtedness or obligation issued or executed and delivered for the foregoing purposes. The monies in such fund, including interest, may also be used to rehabilitate existing courtrooms or an existing courtroom building or buildings for other uses if new courtrooms or a

courtroom building or buildings are acquired, constructed or financed, or to acquire, rehabilitate, construct or finance excess courtrooms or an excess courtroom building or buildings if such excess is anticipated to be needed at a later time. Should any such excess courtrooms or courtroom buildings be leased or rented for uses other than the operation of the justice system until such time as such excess courtrooms or excess courtroom building or buildings are needed for the operation of the justice system, any amounts received as lease or rental payments pursuant to this subdivision shall be deposited in the San Francisco Courthouse Construction Fund.

The fund shall be maintained by the Controller's Office which shall record all receipts and expenditures. All funds shall be expended as jointly determined by the Courthouse Construction Fund Committee (consisting of the Presiding Judges of the Superior and Municipal Courts, the Executive Officer of the Superior Court and the Clerk of the Municipal Court), with the approval of the Board of Supervisors. Expenditures and encumbrances from this fund shall be subject to the budget and fiscal policies of the Charter and shall first be made for the purpose of a survey determining the need for courtroom facilities. Balances remaining in the

Courthouse Construction Fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of Section 9.113 ((6.306)) of the Charter, and shall be carried forward and accumulated in said fund for the purposes recited herein.

Section 74. The San Francisco Administrative Code is hereby amended, by amending Section 10.117-42 to read as follows:

SEC. 10.117-42. VOLUNTARY ARTS CONTRIBUTIONS FUND.

(a) **Establishment of Fund.** There is hereby established a special fund for the purpose of receiving all donations of money and property which may be offered to the City and County for its use and benefit to promote and provide services to nonprofit arts organizations pursuant to Chapter 51 of the San Francisco Administrative Code. Said special fund shall be known and designated as the Voluntary Arts Contributions Fund.

(b) **Acceptance of Gifts.** All donations of money and property which may from time to time be offered to the Voluntary Arts Contributions Fund are hereby accepted for such purposes. Any grants, gifts and bequests from private sources for this purpose shall be deposited into said special fund.

(c) **Appropriation of Monies.** The monies in this fund are hereby appropriated to the office of the Mayor ((Chief Administrative Officer pursuant to Charter Section 3.201)) to be expended for the purposes designated in Chapter 51 of the San Francisco Administrative Code.

(d) **Interest.** Interest earned from the Voluntary Arts Contributions Fund shall become part of the principal thereof, and shall not be expended for any purpose other than that for which said fund is established.

(e) **Accumulation of Monies in Fund.** The balance remaining in the Voluntary Arts Contributions Fund at the close of any fiscal year shall be deemed to have been provided for a specific purposes within the meaning of Charter Section 9.113 ((6.306)) and shall be carried forward and accumulated in said fund for the purposes recited herein.

Section 75. The San Francisco Administrative Code is hereby amended, by amending Section 10.117-69 to read as follows:

SEC. 10.117-69. MANDATORY REFUSE COLLECTION SERVICE FUND.

There is hereby created a continuing appropriation account to be known and designated as the Mandatory Refuse Collection Service

Fund into which shall be deposited $955 of the total annual license fee paid for each permitted refuse collection vehicle pursuant to the provisions of Part III, Section 249.6 of the San Francisco Municipal Code.

The Mandatory Refuse Collection Service Fund shall be used exclusively for the enforcement of the provisions of Article 6, Section 290 of the San Francisco Health Code, to include but not be limited to expenses incurred for personnel, supplies and equipment necessary for this purpose. Expenditures from this fund shall be made only with the written approval of the Director of Administrative Services ((Chief Administrative Officer)) or his or her duly authorized designee. The Director of Administrative Services ((Chief Administrative Officer)) shall file a quarterly report regarding the fund, including receipts and expenditures, with the Mayor, the Board of Supervisors, the Controller and the Budget Analyst.

Balances remaining in the fund at the close of the fiscal year are deemed to have been provided for a specific purpose within the meaning of Section 9.113 ((6.306)) of the Charter and shall be carried forward and accumulated in said fund for the purposes herein designated.

Section 76. The San Francisco Administrative Code is hereby amended, by amending Section 10.117-70 to read as follows:

SEC. 10.117-70. SAN FRANCISCO ARTS WALL OF FAME FUND.

(a) **Establishment of Fund.** There is hereby established a special fund to receive monies for the construction, maintenance and administration of the San Francisco Arts Wall of Fame in the Civic Auditorium. The special fund shall be known and designated as the San Francisco Arts Wall of Fame Fund and shall be administered by the Mayor or the Mayor's designee ((Chief Administrative Officer)).

(b) **Gifts and Appropriations.** All donations of money and property which may from time to time be offered to the San Francisco Arts Wall of Fame Fund are hereby accepted for such purposes. Any monies appropriated by the Board of Supervisors for the San Francisco Arts Wall of Fame shall be deposited in this fund.

The monies in this fund are hereby appropriated exclusively to pay for the construction, maintenance and administration of the Arts Wall of Fame Committee in the performance of duties set forth in Resolution No. 810-86.

(c) **Accumulation of Monies in Fund.** The balance remaining in this fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of Section 9.113 ((6.306)) of the Charter and shall be carried forward and accumulated in said fund for the purposes recited herein.

Section 77. The San Francisco Administrative Code is hereby amended, by amending Section 10.117-78 to read as follows:

SEC. 10.117-78. BUILDING INSPECTION FUND.

(a) **Establishment.** There is hereby established a special fund to be known and designated as the Building Inspection Fund. All revenues collected by the Department ((Bureau)) of Building Inspection, including, but not limited to, application fees, permit fees, plan check fees, the Apartment and Hotel License Fee, and reproduction fees, but excluding Fire Department plan check fees, and Department of City Planning fees shall be deposited into this fund.

(b) **Purpose.** This fund shall be used by the Department ((Bureau)) of Building Inspection, subject to the approval of the Building Inspection Commission ((Director of Public Works and the

Chief Administrative Officer)) and in accordance with the budgetary and fiscal provisions of the Charter and the Administrative Code, exclusively to defray the costs of the Bureau of Building Inspection in processing and reviewing permit applications and plans, field inspections, code enforcement and reproduction of documents.

(c) **Interest.** Interest earned from the Building Inspection Fund shall become part of the principal thereof, and shall not be expended for any purpose other than that for which said fund is established.

(d) **Accumulation of Monies in the Fund.** The balance remaining in the Building Inspection Fund shall be deemed to have been provided for a specific purpose within the meaning of Charter Section 9.113 ((6.306))and shall be carried forward and accumulated in said fund for the purposes recited herein.

Section 78. The San Francisco Administrative Code is hereby amended, by amending Section 10.126 to read as follows:

SEC. 10.126. CASH REVOLVING FUNDS — PURPOSES.

Expenditures may be made from departmental revolving funds for such classes of transactions as may be in writing recommended

by the department head, approved by the Mayor or the Mayor's designee ((Chief Administrative Officer)), board or commission, if any, and specifically concurred in by the Controller.

Section 79. The San Francisco Administrative Code is hereby amended, by amending Section 10.171 to read as follows:

SEC. 10.171. CODE ENFORCEMENT.

The Director of Public Works is hereby empowered, authorized and directed, with the approval of the Mayor or the Mayor's designee ((Chief Administrative Officer)) to do any and all things necessary to plan and carry out any program of concentrated code enforcement required by contract between the City and County and the Secretary of the Department of Housing and Urban Development of the United States and for the assistance of which a code enforcement grant has been made to the City and County by said secretary pursuant to the provisions of Section 117 of Title I of the Housing Act of 1949, as amended.

Section 80. The San Francisco Administrative Code is hereby amended, by amending Section 10.172 to read as follows:

SEC. 10.172. AUTHORIZING ACCEPTANCE OF STATE AID FOR ALCOHOLISM PROGRAMS.

The Director of Public Health ((with the approval of the Chief Administrative Officer)) is authorized to apply to and accept aid from the State Department of Vocational Rehabilitation for alcoholism programs conducted by the Department of Public Health.

Section 81. The San Francisco Administrative Code is hereby amended, by amending Section 10.172-1 to read as follows:

SEC. 10.172-1. APPLICATION AND ACCEPTANCE OF FEDERAL FUNDS, SPECIAL SERVICES FOR YOUNG MENTALLY-RETARDED ADULTS.

The Director of Public Health ((, with the approval of the Chief Administrative Officer,)) is authorized to apply to and accept funds from the United States Department of Health, Education and Welfare for the purpose of providing day treatment center services for disturbed young mentally retarded adults. Utilization of such funds shall be subject to the rules, regulations and operating procedures of the City and County of San Francisco, including approval by the Board of Supervisors through budgetary process. Utilization of such funds shall not be predicated on additional appropriations by the City and County of

San Francisco except with the prior approval of the Board of Supervisors. No program authorized by this Section shall be continued beyond the period for which federal funding is provided as hereinabove set forth.

Section 82. The San Francisco Administrative Code is hereby amended, by amending Section 10.200 to read as follows:

SEC. 10.200. **ESTABLISHMENT OF A HEALTHY LIFESTYLE PROGRAMS FUND.**

(a) **Established.** There is hereby established a special fund for the purpose of receiving fees collected for: (1) health hazard appraisals; (2) risk reduction programs (such as smoking cessation, weight reduction, hypertension education and stress reduction); and (3) reimbursement of materials, and informational or training packets. Health Hazard Appraisal is an educational program which analyzes an individual's lifestyle and medical history. It then provides recommendations for lifestyle change (e.g., stop smoking, more exercise, lose weight) to improve one's health. The risk reduction programs provide education and support to help participants: (1) stop smoking; (2) lose weight; (3) lower their blood pressure, or (4) reduce stress. These healthy lifestyle programs are provided by the Department of Public

Health's Bureau of Health Promotion and Education with the support of a five-year grant that ends on February 28, 1985.

Said special fund shall be known as the Healthy Lifestyle Program Fund. Said special fund shall be used solely for the following purposes:

(1) Salary costs of instructors.

(2) Purchase of supplies and support services.

(3) Purchase of required materials and equipment.

(4) Publication of informational manuals, brochures, pamphlets.

(5) Staff development activities in support of the programs, including cost for travel and continuing education.

(6) Other expenses incidental to the delivery of the programs.

(b) **Administration and Expenditures from Fund.** The monies in said special fund shall be set aside for the aforesaid purpose and are hereby appropriated therefore: expenditures therefrom shall be approved by the Director of Health ((and the Chief Administrative Officer)).

Balances remaining in the fund at the close of any fiscal year shall have been deemed to have been provided for a specific

purpose within the meaning of Section 9.113 ((6.306)) of the Charter, and shall be carried forward and accumulated in said fund for the purposes recited herein.

If, in the future, monies from the General Fund are required or permitted to support programs, then any fees collected shall be used to reimburse the General Fund up to the amount of any local monies appropriated.

Section 83. The San Francisco Administrative Code is hereby amended, by amending Section 10.201 to read as follows:

SEC. 10.201. **ESTABLISHMENT OF CONVENTION FACILITIES FUND.**

There is hereby established a Convention Facilities Fund for the purposes of receiving all revenues accruing from the use of Moscone Center, Brooks Hall and Civic Auditorium and Hotel Room Tax Fund receipts as provided in Section 515(6), Part III, San Francisco Municipal Code, and any other funds transferred into the fund. Said special fund shall be used solely for the following purposes:

(a) Operation, maintenance, management and improvement of Moscone Center, Brooks Hall and Civic Auditorium; and

(b) Funding for the San Francisco Convention and Visitors Bureau, which funding shall be limited to an amount equivalent to 8.5 percent of the Hotel Room Tax collected; provided, however, that the Director of Administrative Services ((Chief Administrative Officer)) may increase the amount of funding in excess of 8.5 percent as revenues increase. In administering this allocation the Director of Administrative Services ((Chief Administrative Officer)) shall have the discretion ((consistent with the authority conferred by Charter Section 3.201)) to allocate, budget and control the monies hereby allocated.

The monies collected and deposited in the Convention Facilities Fund shall be specifically appropriated to the office of the Director of Administrative Services ((Chief Administrative Officer)) for the purposes set forth above.

Any unexpended balances remaining in the Convention Facilities Fund at the close of any fiscal year shall be deemed to be provided for a specific purpose within the meaning of Section 9.113 ((6.306)) of the Charter and shall be carried forward and accumulated in said special fund for the purposes cited herein.

((This ordinance shall become effective pursuant to the provision of Section 2.304 of the Charter.))

Section 84. The San Francisco Administrative Code is hereby amended, by amending Section 10.204 to read as follows:

SEC. 10.204. 911 EMERGENCY RESPONSE FUND.

(a) **Establishment of Fund.** There is hereby established a 911 Emergency Response Fund for the purpose of receiving all monies collected pursuant to Article 10A of Part III of the San Francisco Municipal Code, those monies which are specifically set aside for deposit into the Fund pursuant to the provisions of Section 720 of Article 10 of Part III of the San Francisco Municipal Code, and any other monies transferred into the Fund.

(b) **Use of Monies in the Fund.** Monies in the Fund shall be appropriated solely for the following purposes:

(1) For the payment of costs of acquiring land on which to locate a 911 communication system facility, acquiring and installing computerized call delivery processing and dispatch equipment and software, and/or any other acquisition or construction necessary to combine 911 communication staff under a single uniform command structure and to house 911 communication system equipment and staff in a seismically safe and fireproof facility contiguous or proximate to the Central Fire Alarm Station

on Turk Street, including any debt service payments related thereto;

(2) For the payment of "Conversion Costs," as that term is defined in Section 751(d) of Part III of the San Francisco Municipal Code, to telephone service suppliers;

(3) For the payment of extensions, replacements and improvements to a 911 communication system;

(4) For the payment of operating, repair and maintenance expenses for a 911 communication system;

(5) For the payment of personnel costs related to the operation and maintenance of a 911 communication system.

No expenditures for the purposes set forth in Subparagraphs (3), (4) and (5) shall be made from the Fund until the costs set forth in Subparagraphs (1) and (2) have been paid.

The term "911 communication system" shall have the meaning set forth in Section 751(a) of Part III of the San Francisco Municipal Code.

(c) **Administration and Expenditures from Fund.** Expenditures for the purposes set forth in Subparagraphs (1) and (2) of Subsection (b) above shall be made upon the recommendation of the Director of Telecommunications and Information Services ((Chief

Administrative Officer)). Expenditures for the purposes set forth in Subparagraphs (3), (4) and (5) of Subsection (b) above shall be made upon the recommendation of the Director of Emergency Services. Expenditures and encumbrances from this Fund shall be subject to the budget and fiscal provisions of the Charter.

Any unexpended balance remaining in this Fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of Section 9.113 ((6.306)) of the Charter, and shall be carried forward and accumulated in said Fund for the purposes recited herein.

Section 85. The San Francisco Administrative Code is hereby amended, by amending Section 10F.2 to read as follows:

SEC. 10F.2. ANNUAL SETTING OF SURCHARGE RATE.

By June 1, 1993 and before June 1st of each year thereafter, the Mayor ((Chief Administrative Officer)) shall set the surcharge rate to be charged for the year, commencing the following July 1st.

Section 86. The San Francisco Administrative Code is hereby amended, by amending Section 11.5 to read as follows:

SEC. 11.5. MAYOR ((CHIEF ADMINISTRATIVE OFFICER)) TO INVESTIGATE AND REPORT ON OBSERVANCE OF FRANCHISE AND PERMIT REQUIREMENTS.

The Board of Supervisors ((, under and pursuant to the power and authority vested in the Board by Section 2.101 of the Charter,)) does hereby confer upon the Mayor or the Mayor's designee ((Chief Administrative Officer)) the power and authority:

To examine all and singular, the provisions, covenants and obligations contained in the several franchises and permits heretofore and which may hereafter be issued or granted to any person for the conduct of any business or calling over which the Board of Supervisors has jurisdiction or control, or for the use or occupation of any public street, way or place insofar as such provisions, covenants and obligations contained in such franchises and permits pertain to or affect public streets, traffic, health and safety;

To examine the public streets, ways and places of the City and from these examinations compile lists or maps of tracks, tunnels, bridges, overhead conveyors, chutes, loading platforms, scales, elevated sidewalks, fences, barricades, stairways and openings to basements, subsidewalk basements, supports for

canopies, temporary street closings and use, and all other street occupancies or uses; and

To determine which of such occupancies and uses are covered by franchises or permits issued or granted by the Board of Supervisors. It shall be the duty of the Mayor ((Chief Administrative Officer)) to file reports from time to time with the Board of Supervisors showing in detail whether the holders of the franchises or permits are complying or are failing to comply with the provisions, covenants and obligations contained in or imposed by the franchises and permits.

Section 87. The San Francisco Administrative Code is hereby amended, by amending Section 11.6 to read as follows:

SEC. 11.6. REPORTS AS TO OPERATIVE AND INOPERATIVE FRANCHISES.

It shall be the duty of the Mayor ((Chief Administrative Officer)) to investigate and to file with the Board of Supervisors from time to time reports showing the name and address of each person, firm or corporation ascertained as a result of the examinations specified in the preceding Section to be engaged in or to maintain, without a franchise or permit, such a business or enterprise as under the law requires a franchise or permit for its

conduct, maintenance or operation, or for its use or occupation of any public street, way or place, as well as a statement showing the various franchises and permits which have become inoperative, suspended or void for nonuse, for failure to pay required fees or for any other reason.

Section 88. The San Francisco Administrative Code is hereby amended, by amending Section 11.21 to read as follows:

SEC. 11.21. DEFINITIONS.

For the purposes of this ordinance, the following terms, phrases, words, abbreviations, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number:

(a) "City" shall mean City and County of San Francisco, a municipal corporation of the State of California.

(b) "Board" shall mean the Board of Supervisors, the governing body of the City and County of San Francisco or any future board constituting the legislative body of the City.

(c) "Director of Telecommunications and Information Services" (("Chief Administrative Officer")) shall mean the Director ((City's chief executive officer)), or any designee thereof.

(d) "Franchise" shall mean and include any authorization granted hereunder in terms of a franchise, privilege, permit, license or otherwise to construct, operate and maintain a cable television system within all or a specified area in the City. Any such authorization, in whatever form granted, shall not mean or include any license or permit required for the privilege of transacting and carrying on a business within the City as required by other ordinances and laws of this City.

(e) "Person" shall mean any natural person and all domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, business or common law trusts, and societies.

(f) "Grantee" shall mean the person, firm or corporation granted a franchise by the Board under this ordinance, and the lawful successor, transferee or assignee of said person, firm or corporation.

(g) "Street" shall mean the surface, the air space above the surface and the area below the surface of any public street, other public right of way or public place, including public utility easements.

(h) "Property of Grantee" shall mean all property owned, installed, or used within the City by a grantee in the conduct of a cable television system business under the authority of a franchise granted pursuant to this ordinance.

(i) "Subscriber" or "User" shall mean any person or entity receiving for any purpose any service of the grantee's cable television system including, but not limited to, the conventional cable television system service of retransmission of television broadcast, radio signals, grantee's original cablecasting, and the local government, education and public access channels; and other services, such as leasing of channels, data and facsimile transmission, pay television, and police, fire and similar public service communication.

(j) "Cable television system," "CATV," and "CTV," for the purpose of this ordinance, are terms describing a system employing antennae, micro-wave, wires, wave-guides, coaxial cable, or other

conductors, equipment or facilities, designed, constructed or used for the purpose of:

(1) Collecting and amplifying local and distant broadcast television or radio signals and distributing and transmitting them;

(2) Transmitting original cablecast programming not received through television broadcast signals;

(3) Transmitting television pictures, film and video-tape programs, not received through broadcast television signals, whether or not encoded or processed to permit reception by only selected receivers; and

(4) Transmitting and receiving all other signals; digital, voice and audio-visual; provided, however, that any of the services, permitted hereunder to be performed, as described above, shall be those performed by the grantee for subscribers, as herein defined, in the operation of a cable television or CATV system franchised by the City and County and not otherwise.

(k) "Gross Receipts," as used in the following categories shall mean any and all compensation, in whatever form, grant, subsidy, exchange, or otherwise, directly or indirectly received by a grantee, not including any taxes or services furnished by the

grantee imposed directly on any subscriber or user by a city, county, state or other governmental unit, and collected by the grantee for such entity.

(l) "Gross Annual Basic Subscriber Receipts" shall mean any and all compensation and other consideration received directly or indirectly by the grantee from subscribers in payment of the regularly furnished service of the cable television system in the transmission of broadcast television, radio signals and original cablecast programming of the grantee.

(m) "Gross Annual Nonbasic Service Receipts" shall mean any and all compensation and other consideration received directly or indirectly by the grantee from subscribers or users in payment for the receipt of signals other than broadcast television, radio, or original cablecast programming of the grantee, whether for "pay television," "facsimile" transmission, "return" or "response" communication, and whether or not transmitted encoded or processed to permit reception by only selected subscribers.

(n) "Gross Annual Advertising Receipts" shall mean any income, compensation and other consideration received by grantee derived from any form of advertising.

(o) "Gross Annual Lease Receipts" shall mean any fees or income received by grantee for the lease or rental, and compensation for any service in connection therewith, such as studio and equipment rental and production costs, of any channel permitted or designated by the Federal Communications Commission to be so leased or rented.

Section 89. The San Francisco Administrative Code is hereby amended, by amending Section 11.23 to read as follows:

SEC. 11.23. CABLE TELEVISION SERVICE.

(a) **Basic Service.** The cable television system permitted to be installed and operated hereunder shall:

(1) Be operationally capable of relaying to subscriber terminals those television and radio broadcast signals for the carriage of which the grantee is now or hereafter authorized by the Federal Communications Commission;

(2) Be constructed with the potential of two-way digital signal transmission;

(3) Distribute color television signals which it receives in color;

(4) Provide at least one channel, without charge, for exclusive use of the City and County;

(5) Provide at least one channel each for those educational and public access uses as now or hereafter required by the Federal Communications Commission for systems operating in the top 100 markets as set forth in the rules and regulations of the Federal Communications Commission; and

(6) Have a minimum capacity of 20 channels.

(b) **Nonbasic Services.** The cable television system permitted to be installed and operated hereunder, may also engage in the business of:

(1) Transmitting original cablecast programming not received through television broadcast signals;

(2) Transmitting television pictures, film and video-tape programs, not received through broadcast television signals, whether or not encoded or processed to permit reception by only selected receivers or subscribers; and

(3) Transmitting and receiving all other signals: digital, voice and audio-visual.

(c) **Subscriber Complaints.** In addition to other service regulations adopted by the Board, and excepting circumstances

beyond grantee's control, such as acts of God, riots and civil disturbances, and in providing the foregoing services, the grantee shall:

(1) Limit system failures to minimum time duration by locating and correcting malfunctioning promptly, but in no event longer than 24 hours after occurrence, irrespective of holidays or other nonbusiness hours;

(2) Upon complaint by a subscriber, make a demonstration satisfactory to the Director of Telecommunications and Information Services ((Chief Administrative Officer)) that a signal is being delivered which is of sufficient strength and quality to meet the standards set forth in the regulations of the Federal Communications Commission, or in regulations hereafter adopted by the Board;

(3) Render efficient service, making repairs promptly and interrupting service only for good cause and for the shortest time possible. Planned interruptions, insofar as possible, shall be preceded by notice given to subscribers 24 hours in advance and shall occur during periods of minimum use of the system;

(4) Maintain an office in the City, which office shall be open during all usual business hours, with its telephone listed in

directories of the telephone company serving the City, and be so operated that complaints and requests for repairs or adjustments may be received at any time, day or night, seven days a week; and

(5) Maintain a written record, or "log," listing date of customer complaints, identifying the subscriber and describing the nature of the complaint, and when and what action was taken by grantee in response thereto; said record shall be kept at grantee's local office, for a period of five years from the date when the system is first energized, and shall be available for inspection during regular business hours, without further notice or demand, by the Director of Telecommunications and Information Services ((Chief Administrative Officer)).

(d) **Municipal Services.** (1) With respect to the local government channel, the grantee shall provide, at the request of the Director of Telecommunications and Information Services ((Chief Administrative Officer)), and upon City and County reimbursement of grantee's actual cost, use of grantee's studio, equipment and technical services for production of live and video-tape municipal programs, subject to scheduling requirements of the grantee.

(2) With respect to the basic television services, the grantee shall provide all subscriber services, and a tie-in connection, without cost, when the system passes such facilities and as designated by the board, to

(A) Public schools and community colleges within the City and County, and

(B) Buildings owned and controlled by the City and County, used for public purposes and not for residential use (fire and police stations excepted).

(e) **Compatibility and Connectibility.** (1) It is the desire of the City and County that all cable television systems franchised hereunder shall, insofar as financially and technically possible, be compatible one with another and with systems adjacent to the City and County.

(2) Wherever it is financially and technically feasible, the grantee shall so construct, operate and modify the system so as to tie the same into all other systems within and adjacent to the City and County.

(f) **Uses Permitted.** Any franchise granted pursuant to the provisions of this ordinance shall authorize and permit the grantee to engage in the business of operating and providing a

cable television system in the City and County, and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain and retain in, on, over, under, upon, across and along any street, such poles, wires, cable, conductors, ducts, conduit, vaults, manholes, amplifiers, and appliances, attachments, and other property as may be necessary and appurtenant to the cable television system; and, in addition, so to use, operate, and provide similar facilities or properties rented or leased from other persons, firms or corporations, including but not limited to any public utility or other grantee franchised or permitted to do business in the City and County.

Section 90. The San Francisco Administrative Code is hereby amended, by amending Section 11.25 to read as follows:

SEC. 11.25. FRANCHISE TERM: DURATION AND TERMINATION.

(a) The franchise granted by the Board under this ordinance shall be for a term of 15 years from the date of its acceptance by the grantee.

(b) The City and County may terminate any franchise granted pursuant to the provisions of this ordinance in the event of the failure, refusal or neglect by grantee to do or comply with any

material requirement or limitation contained in this ordinance, or any material rule or regulation of the Board or Director of Telecommunications and Information Services ((Chief Administrative Officer)) validly adopted pursuant to this ordinance.

(c) The Director of Telecommunications and Information Services ((Chief Administrative Officer)) may make written demand that the grantee do or comply with any such requirement, limitation, term, condition, rule or regulation. If the failure, refusal or neglect of the grantee continues for a period of 30 days following such written demand, the Director of Telecommunications and Information Services ((Chief Administrative Officer)) may place the request for termination of the franchise with the Board. The Board shall cause to be served upon such grantee, at least 10 days prior to the date of any Board meeting regarding this matter, a written notice of request for such termination, and the time and place of the meeting, notice of which shall be published by the Board at least once 10 days before such meeting in a newspaper of general circulation within the City and County.

(d) The Board shall consider the request of the Director of Telecommunications and Information Services ((Chief Administrative

Officer)) and shall hear any persons interested therein, and shall determine, in its discretion, whether or not any failure, refusal or neglect by the grantee was with just cause.

(e) If such failure, refusal or neglect by the grantee was with just cause, the Board shall direct the grantee to comply within such time and manner and upon such terms and conditions as are reasonable.

(f) If the Board shall determine such failure, refusal or neglect by the grantee was without just cause, then the Board may, by resolution, declare that the franchise of such grantee shall be terminated and forfeited unless there be compliance by the grantee within such period as the Board may fix.

(g) The termination and forfeiture of any franchise shall in no way affect any of the rights of the City and County under the franchise or any provision of law.

(h) In the event of any holding over after expiration or other termination of any franchise granted hereunder, without the prior consent of the City and County, expressed by resolution, the grantee shall pay to the City and County reasonable compensation and damages, of not less than 100 percent of its gross revenue during said period.

Section 91. The San Francisco Administrative Code is hereby amended, by amending Section 11.26 to read as follows:

SEC. 11.26. APPLICATIONS FOR FRANCHISE.

(a) Each application for a franchise to construct, operate, or maintain any cable television systems in this City and County shall be filed with the Board and shall contain or be accompanied by the following:

(1) The name, address, and telephone number of the applicant;

(2) A detailed statement of the corporate or other business entity organization of the applicant, including but not limited to, the following and to whatever extent required by the City and County:

(A) The names, residence and business addresses of all officers, directors, and associates of the applicant.

(B) The names, residence and business addresses of all officers, persons and entities having, controlling, or being entitled to have or control of five percent or more of the ownership of the applicant and the respective ownership share of each such person or entity.

(C) The names and addresses of any parent or subsidiary of the applicant named, any other business entity owning or controlling applicant in whole or in part; or owned or controlled in whole or in part by the applicant; and a statement describing the nature of any such parent or subsidiary business entity, including, but not limited to, cable television systems owned or controlled by the applicant, its parent and subsidiary and the areas served thereby.

(D) A detailed description of all previous experience of the applicant in providing cable television system service and in related or similar fields.

(E) A detailed and complete financial statement of the applicant, prepared by a certified public accountant, for the fiscal year next preceding the date of the application hereunder; or a letter or other acceptable evidence in writing from a recognized lending institution or funding source, addressed to both the applicant and the Board, setting forth the basis for a study performed by such lending institution or funding source, and a clear statement of its intent as a lending institution or funding source to provide whatever capital shall be required by the applicant to construct and operate the proposed system in the

City and County; or a statement from a certified public accountant, certifying that the applicant has available sufficient free net and uncommitted cash resources to construct and operate the proposed system in this City and County.

(F) A statement identifying, by place and date, any other cable television franchise(s) awarded to the applicant, its parent or subsidiary; the status of said franchise(s) with respect to completion thereof; the total cost of completion of such system(s); and the amount of applicant's and its parent's subsidiary's resources committed to the completion thereof.

(b) A detailed description of the proposed plan of operation of the applicant which shall include, but not be limited to, the following:

(1) A detailed map indicating all areas proposed to be served, and a proposed time schedule for the installation of all equipment necessary to become operational throughout the entire area to be served.

(2) A statement or schedule setting forth all proposed classifications of rates and charges to be made against subscribers and all rates and charges as to each of said

classifications, including installation charges and service charges.

(3) A detailed, informative, and referenced statement describing the actual equipment and operational standards proposed by the applicant. In no event shall said operational and performance standards be less than those contained in Title 47, Subpart K (Section 76.601 et seq.), Rules and Regulations, Federal Communications Commission, adopted February 2, 1972, and as amended.

(4) A copy of the form of any agreement, undertaking, or other instrument proposed to be entered into between the applicant and any subscriber.

(5) A detailed statement setting forth in its entirety any and all agreements and undertakings, whether formal or informal, written, oral, or implied, existing or proposed to exist between the applicant and any person, firm, or corporation which materially relate or pertain to or depend upon the application and the granting of the franchise.

(c) A copy of any agreement covering the franchise area, if existing between the applicant and any public utility subject to regulation by the California Public Utilities Commission providing

for the use of any facilities of the public utility, including but not limited to poles, lines or conduits.

(d) Any other details, statements, information or references pertinent to the subject matter of such application which shall be required or requested by the Board, or by any provision of any other ordinance or the Charter of the City and County.

(e) The Board may, by advertisement or any other means, solicit and call for applications for cable television system franchises, and may determine and fix any date upon or after which the same shall be received by the City and County, or the date before which the same must be received; or the date after which the same shall not be received; and may make any other determinations and specify any other times, terms, conditions, or limitations respecting the soliciting, calling for, making and receiving of such applications.

The grantee shall pay to the City and County a sum of money sufficient to reimburse it for all publication expenses incurred by it in connection with the granting of a franchise pursuant to the provisions of this ordinance. Such payment shall be made

within 30 days after the City and County furnishes the grantee with a written statement of such expenses.

(f) Upon receipt of any application for franchise, the Board shall refer the same to the Director of Telecommunications and Information Services ((Chief Administrative Officer)) who shall prepare a report and make his or her recommendations respecting such application, and cause the same to be completed and filed with the Board within 30 days.

The Board shall also refer the application for a franchise to the Cable Television Task Force which shall schedule and hold hearing on said application. Within 60 days of the Task Force's receipt of an application, it shall give to the Board its evaluation of the application and recommendations for Board action.

(g) In making any determination hereunder as to any application the Board may give due consideration to the quality of the service proposed, rates to subscriber, income to the City and County, experience, character, background, and financial responsibility of any applicant, and its management and owners, technical and performance quality of equipment.

Consideration will also be given to willingness and ability to meet construction and physical requirements, and to abide by policy conditions, franchise limitations and requirements, and any other considerations deemed pertinent by the Board for safeguarding the interests of the City and County and the public. The Board, in its discretion, shall determine the award of any franchise on the basis of such considerations and without competitive bidding.

If the Board shall determine to reject such application, such determination shall be final and conclusive, and the same shall be deemed rejected.

(h) If the Board shall determine to further consider the application, the following shall be done:

(1) The Board shall decide and specify the terms and conditions of any franchise to be granted hereunder and as herein provided.

(2) The Board shall pass its resolution of intention to consider the granting of such a franchise, giving notice of receipt of the application, and describing the character of the franchise desired, stating the name of the proposed grantee, the character of the franchise, the terms and conditions upon which

such franchise is proposed to be granted, that copies of the proposed franchise may be obtained at the office of the Board, fixing and setting forth a day, hour, and place certain when and where any persons having any interest therein or objection to the granting thereof may file written protests and appear before the Board and be heard, and directing the Clerk of the Board to publish said resolution at least once within 10 days of the passage thereof in a newspaper of general circulation within the City and County.

(i) At the time set for the hearing, or at any adjournment thereof, the Board shall proceed to hear all written protests. Thereafter, the Board shall make one of the following determinations:

(1) That such franchise be denied; or

(2) That such franchise be granted upon the terms and conditions as specified in the resolution of intention to grant the same; or

(3) That such franchise be granted, but upon the terms and conditions different from those specified in the resolution of intention to grant the same.

(j) If the Board shall determine that a franchise be denied, such determination shall be expressed by resolution and shall be final and conclusive.

If the Board shall determine that a franchise be granted upon the terms and conditions as specified in the resolution of intention to consider granting the same, such determination shall be expressed by ordinance granting a franchise to the applicant.

If the Board shall determine upon granting a franchise upon terms and conditions different from those specified in the resolution of intention to consider granting the same, then such determination shall be expressed by resolution adopted prior to granting a franchise by ordinance.

Section 92. The San Francisco Administrative Code is hereby amended, by amending Section 11.30 to read as follows:

SEC. 11.30. RIGHTS RESERVED TO THE CITY.

(a) Nothing herein shall be deemed or construed to impair or affect, in any way, to any extent, the right of the City and County to acquire the property of the grantee, either by purchase or through the exercise of the right of eminent domain, at a fair and just value, which shall not include any amount for the

franchise itself or for any of the rights or privileges granted. Nothing herein contained shall be construed to contract away or to modify or abridge, whether for a term or in perpetuity, the City and County's right of eminent domain.

(b) There is hereby reserved to the City and County every right and power which is required to be herein reserved or provided by any law, and the grantee, by its acceptance of the franchise, agrees to be bound thereby and to comply with any action or requirements of the City and County in its exercise of such rights or power, heretofore or hereafter enacted or established.

(c) There is hereby reserved to the City and County the power to amend any Section of this ordinance so as to require additional or greater standards of construction, operation, maintenance or otherwise, on the part of the grantee to reflect technical and economic changes occurring during the franchise term; and to enable the City and County and the grantee to take advantage of new developments in the cable television industry so as to more effectively, efficiently and economically serve the public.

(d) Neither the granting of any franchise nor any provision hereof shall constitute a waiver or bar to the exercise of any governmental right or power of the City and County.

(e) The Board may do all things which are necessary and convenient in the exercise of its jurisdiction under this ordinance and may determine any question of fact which may arise during the existence of any franchise granted hereunder. The Director of Telecommunications and Information Services ((Chief Administrative Officer)), with the approval of the City Attorney, is hereby authorized and empowered to adjust, settle, or compromise any controversy or charge arising from the operations of any grantee under this ordinance, either on behalf of the City and County, the grantee, or any subscriber, in the best interest of the public.

Either the grantee or any member of the public who may be dissatisfied with the decision of the Director of Telecommunications and Information Services ((Chief Administrative Officer)) may appeal the matter to the Board for hearing and determination. The Board may accept, reject or modify the decision of the Director of Telecommunications and Information Services ((Chief Administrative Officer)), and the Board may adjust, settle

or compromise any controversy or cancel any charge arising from the operation of the grantee or from any provision of this ordinance.

Section 93. The San Francisco Administrative Code is hereby amended, by amending Section 11.31 to read as follows:

SEC. 11.31. BOARD TO ADOPT RULES AND REGULATIONS.

(a) **Standards of Operation.**

(1) Prior to receiving any applications for franchises, the Board may adopt rules, regulations and standards governing the operation of cable television systems in the City and County. Such rules, regulations and standards shall apply to and shall govern the operations of the grantee of any franchise hereunder, and are expressly declared a part of any franchise hereunder.

(2) Rules, regulations and standards not adopted prior to receiving any application for a franchise shall be adopted by the Board at the first regular meeting of the Board next following the effective date of this ordinance, by resolution which shall become effective upon adoption and shall be applicable to any application for a franchise previously received.

(3) The standards adopted shall govern the engineering, construction, installation, service, and maintenance of all cable television systems in the City and County, including but not limited to standards governing carrier, levels, signal-to-noise ratios, hum modulation, distortion, levels, channel interactions and interactions.

(4) Provided the same do not materially alter the content of the franchise without consent of the grantee, the Board may at any time adopt new rules or regulations or standards, or may amend, modify, delete, or otherwise change its respective rules or regulations or standards previously adopted, in the following manner:

The Board shall pass its resolution of intention stating or describing the rules or regulations or standards to be adopted, amended, modified, deleted, or otherwise changed, and fixing and setting forth a day, hour, and place certain when and where any persons having any interest therein or objection thereto may appear before the Board and be heard. Such resolution shall direct the Clerk of the Board to publish the same at least once within 10 days of the passage thereof in a newspaper of general circulation within the City and County, and to mail a copy of the same to any

grantee or applicant for a franchise, not more than 30 days nor less than 15 days prior to the time fixed for hearing thereon.

At the time set for such hearing, or at any adjournment thereof, the Board shall proceed to hear and pass upon such comments as may be presented. Thereafter, the Board, by its resolution, may adopt, amend, modify, delete, or otherwise change its respective rules, regulations and standards. Such determination by the Board shall be final and conclusive.

Any rule or regulation or standards as adopted, amended, modified, deleted, or otherwise changed by the Board shall become effective upon the 10th day following the adoption of such resolution, unless a longer period shall be otherwise provided in such resolution.

(b) **Rates.**

(1) Prior to granting any franchise hereunder the Board, by resolution, shall establish and fix all rates and charges for the basic service, herein defined, allowable to grantee, such as:

(A) Charges for installation;

(B) Subscriber rates; and

(C) Service charges for separate classifications of service (e.g., additional connections, etc.)

Once established, such rates or charges shall not be changed at any time after granting of a franchise, except after due notice hearing as provided herein.

(2) Rates and charges for services, other than the basic service, shall also be approved by the Board by resolution, after due notice and hearing as provided herein.

(3) In connection with any proposed change of any rates or charges of grantee to subscribers initiated by grantee, or the approval of rates for additional services, at any time after the granting of a franchise, the Board may direct the Director of Telecommunications and Information Services ((Chief Administrative Officer)) of the City and County to conduct a preliminary hearing into the matter. If so directed by the Board, the Director of Telecommunications and Information Services ((Chief Administrative Officer)) shall issue written notice fixing and setting forth the day, hour, and place certain when and where any persons having any interest therein may appear and be heard.

The Clerk of the Board shall cause such notice to be published in a newspaper of general circulation within the City and County. The Clerk of the Board also shall cause a copy of such notice to be mailed to any grantee at least 10 days prior to the

date specified for the hearing. At the time set for such hearing, or at any adjournment thereof, the Director of Telecommunications and Information Services ((Chief Administrative Officer)) or a designated alternate shall proceed to hear the matter. Following the close of such hearing, the Director of Telecommunications and Information Services ((Chief Administrative Officer)) or a designated alternate shall prepare and file with the Board a report of the hearing, with findings and an opinion containing a recommendations and the reasons therefor.

After the expiration of 10 days following receipt of the Director of Telecommunications and Information Services' ((Chief Administrative Officer's)) report and opinion, and if no objection has been filed thereto, the Board shall determine whether to adopt the opinion or to hold a further hearing and shall pass its resolution of intention to do so, describing and stating any rates or charges to be changed, the reasons of the Board therefor, fixing and setting forth a day, hour, and place certain when and where any persons having any interest therein may appear before the Board and be heard. Such resolution shall direct the Clerk of the Board to publish the same resolution at least once within 10 days of the passage thereof in a newspaper of general circulation

within the City and County. The Clerk of the Board also shall cause a copy of such resolution to be mailed to the grantee at least 10 days prior to the date specified for hearing thereon.

At the time set for any further hearing, or at any adjournment thereof, the Board shall proceed to hear the matter.

If upon receipt of report and opinion, and the expiration of said 10 days without objection, or following the holding of a further hearing, if the Board determines to do so, the Board shall find that the changing of any rates or charges of grantee to subscribers will be fair to the system operator and not detrimental or injurious to the best interests and welfare of the subscribers and users, and of the City and County, then the Board, by resolution, shall authorize the change of rates or charges of grantee to subscribers and users as determined. Such resolution shall thereupon become and shall be a part of any franchise granted hereunder and affected thereby.

(4) Neither the Board nor the grantee shall, as to rates, charges, service, service facilities, rules, regulations or in any other respect, make or grant any preference or advantage to any person, nor subject any person to prejudice or disadvantage.

Section 94. The San Francisco Administrative Code is hereby amended, by amending Section 12A.5 to read as follows:

SEC. 12A.5. POWERS AND DUTIES.

In addition to the other powers and duties set forth in this ordinance, the Commission shall have the power and duty to:

(a) Study, investigate, mediate and hold public hearings on community-wide problems arising in this City and County which may result in intergroup tensions or discrimination because of race, religion, color, ancestry, age, sex, sexual orientation, gender identity, physical disability or place of birth. In the performance of its duties under this subsection, the Commission, as permitted by law, may require by subpoena ad testificandum setting forth the specific nature of its inquiry, the attendance and testimony under oath of any person directly involved in or concerned with discrimination within the scope of this ordinance whose presence and testimony is reasonably necessary to its inquiry; provided, however, that any such inquiry involving any agency, board, or officer of the City and County shall be governed by the provisions of Subsection (f) hereof. In case of the refusal of any person to attend or testify as required by a subpoena ad testificandum issued by the Commission, the Commission may proceed

to petition for a court order pursuant to Section 1991 of the California Code of Civil Procedure.

(b) Prepare and disseminate educational and informational material relating to prejudice and discrimination and ways and means of eliminating such prejudice and discrimination.

(c) Furnish cooperation, information, guidance and technical assistance to other public agencies and private persons, organizations and institutions engaged in activities and programs intended to eliminate prejudice and discrimination.

(d) Consult with and maintain contact with other public agencies and with representatives of employers, labor unions, property owners associations, realtor associations, religious denominations and institutions, professional associations, national origin groups, community organizations concerned with interracial, interreligious and intercultural understanding, social welfare organizations and such other private organizations and institutions as the Commission shall deem advisable to further the objectives of this ordinance.

(e) Cooperate with and make written recommendations to City and County agencies, boards and officers, as well as the agencies, boards or officers operating under State law within the City and

County of San Francisco, towards the development and implementation of programs and practices for the purpose of furthering the objectives of this ordinance. The Commission and the affected agency, board or officer shall submit reports of progress in establishing and implementing such programs and practices as are from time to time requested by the Mayor through the chair of the Commission.

(f) Subject to the approval of the Mayor ((or the Chief Administrative Officer where appropriate)), request of any City and County agency, board or office information, services, facilities and any other assistance for the purpose of furthering the objectives of this ordinance. All such requests shall be promptly complied with by the affected agency, board or officer.

(g) Investigate and, with the assent of the parties, mediate all incidents of discrimination within the scope of this ordinance to the extent such functions are not within the exclusive responsibilities of the California Fair Employment Practices Commission or any federal or other State agency, and make specific and detailed recommendations to the interested parties as to the method of eliminating such discrimination. The Commission shall also be authorized to investigate complaints of

discrimination brought by citizens involving agencies, boards or officers operating under State law within the City and County of San Francisco, and, where appropriate, to make written recommendations to said agencies or to represent citizens before said agencies.

(h) Prepare, encourage and coordinate programs of voluntary affirmative action to reduce or eliminate existing inequalities and disadvantages in the City and County resulting from past discriminatory practices.

Section 95. The San Francisco Administrative Code is hereby amended, by amending Section 12D.6 to read as follows:

SEC. 12D.6. POWERS AND DUTIES OF THE COMMISSION AND THE DIRECTOR.

(A) In addition to the duties and powers given to the Human Rights Commission elsewhere, the Commission shall:

1. Collect and analyze relevant data which will assist the Board of Supervisors in determining whether race- or gender-conscious remedies are appropriate and necessary for contracts not subject to or ethnic groups not afforded the race- and gender-conscious bid preferences of this Ordinance. The Commission shall periodically report the results of this study to this Board;

2. Levy sanctions as specified in Section 12D.8(B)7;

3. When necessary, subpoena persons and records, books and documents for a proceeding of the Commission or an investigation by the Director conducted to further the purposes of this Ordinance;

4. Amend existing rules and regulations establishing standards and procedures for effectively carrying out this Ordinance. The rules and regulations shall provide for administrative procedures which will allow a business to prove and the Commission to recommend to this Board that the Ordinance's remedial measures should not be applied to an industry or profession because MBE/WBE participation in City prime contracts has reached parity with their numbers in the relevant business community and MBE/WBEs no longer suffer from a discrimination-induced competitive disadvantage in the applicable industry or profession. The regulations shall also provide a mechanism for contractors to seek a determination by the Director that a MBE or WBE may not be granted a race- or gender-conscious bid preference where it is demonstrated that the MBE or WBE's bid price is not attributable to the effects of past discrimination.

(B) In addition to the duties and powers given to the Director elsewhere, the Director shall have the following duties and powers:

1. Through appropriately promulgated procedures, certify businesses as bona fide MBEs/WBEs/LBEs. These procedures shall provide that any business seeking certification as a local business shall meet the definition of a LBE and possess or establish all of the following: (1) business cards for the San Francisco office; (2) business stationery for the San Francisco office; (3) written agreement for occupancy of the San Francisco office; (4) that the business is listed in an appropriate business buyers guide such as a telephone yellow pages listing San Francisco based businesses; (5) that business is transacted in the San Francisco office; (6) a conspicuously displayed business sign at the San Francisco business premises except where the business operates out of a residence; and (7) the office is appropriately equipped for the type of business for which certification as a LBE is sought.

Except where the Director cannot certify a business because the business has not been established in San Francisco for the requisite six months, whenever the Director denies an application

for or revokes the certification of a business as a MBE, WBE, LBE because the business is not a bona fide MBE, WBE, LBE, the Director shall inform the aggrieved business in writing when the business will be eligible to reapply for certification. The Director shall require a business to wait at least six months but not more than two years after the denial or revocation before reapplying to the Director for certification as a MBE, WBE or LBE. Except as provided in Section 12D.14(C), the Director's denial or revocation of certification of a business as a MBE, WBE, LBE shall not be appealable to the Commission;

2. Annually, and more often if he deems necessary, analyze the most recently available data on "percent availability" of MBEs and WBEs in the various industries and professions identified in the utilization indices set forth in Appendix X to this Ordinance and the Human Relations Commission's 1992 Sunset Report. Applying statistically sound methods of analysis, the Director shall identify areas of contracting where the City or its departments are failing to meet the participation goals to such an extent that an inference of discrimination can be made. In addition, the Director shall identify areas of contracting where the City is meeting and/or exceeding participation goals to such an extent

that the MBE or WBE bid preferences can no longer be justified. The results of this study shall be included in the Commission's annual report required by Section 12D.15(C).

Not later than March 1st of each fiscal year, the Director shall transmit to the Board of Supervisors proposed amendments to this Ordinance and the utilization indices necessitated by the data he has collected and analyzed;

3. By July 1st of each fiscal year subject to this Ordinance, inform the Controller of the data each department is required to provide the Controller on each contract award. This data shall form the basis of the Commission's report to the Mayor ((,)) and the Board of Supervisors ((and Chief Administrative Officer)) and the public on the participation of MBEs and WBEs on City prime contracts subject to the Ordinance;

4. Provide information and other assistance to MBEs and WBEs to increase their ability to compete effectively for the award of City contracts;

5. Assist the City to increase participation by MBEs and WBEs in City contracts;

6. Continue to develop and strengthen education and training programs for MBEs and WBEs and City contract awarding personnel;

7. Where after determining that a department, despite its good-faith efforts and application of the bid preference(s), has failed substantially to eliminate the exclusion of MBEs and/or WBEs from City contracting, the Director, after consulting with the department responsible for the project(s), may request the Contract Review Committee established in Section 12D.8.(A)3 to review and approve the proposed project(s) for a set aside;

8. Work with the Controller and representatives of City departments to implement a City-wide prompt-payment policy requiring that MBEs, WBEs and LBEs be paid by the City within 60 days of the date on which the City receives an invoice from an MBE, WBE or LBE for work performed for the City.

(C) The requirements of this Ordinance are separate from those imposed by the United States or the State of California as a condition of financial assistance or otherwise; however, the Director may authorize the substitution of such State or Federal Minority Business Enterprise and Women Business Enterprise requirements for the requirements of this Ordinance whenever such

State or Federal requirements are substantially the same as those of this Ordinance.

(D) The Director, with the approval of the Commission, may enter into cooperative agreements with agencies, public and private, concerned with increasing the utilization of MBEs and WBEs in government contracting, subject to the approval of the Board of Supervisors of the City and County of San Francisco.

Section 96. The San Francisco Administrative Code is hereby amended, by amending Section 12D.7 to read as follows:

SEC. 12D.7. **POWERS AND DUTIES OF THE CONTROLLER.**

(A) In addition to the duties given to the Controller elsewhere, the Controller shall work cooperatively with the Director to assemble and maintain the data the Director advises are necessary to form the basis of the Commission's report to the Mayor, Board of Supervisors ((, Chief Administrative Officer)) and the public on the participation of MBEs and WBEs in City prime contracts.

(B) The Controller shall not certify the award of any contract subject to this Ordinance until the department requesting certification of the award of the contract has provided the

Controller with the information the Director advises is necessary under this Ordinance.

(C) It is the City's policy that MBEs, WBEs and LBEs should be paid by the City within 60 days of the date on which the City receives an invoice from an MBE, WBE or LBE for work performed for the City. The Controller shall work with the Director and representatives of City departments to implement this City-wide prompt-payment policy.

Section 97. The San Francisco Administrative Code is hereby amended, by amending Section 12D.8 to read as follows:

SEC. 12D.8. **POWERS AND DUTIES OF THE MAYOR, DEPARTMENTS OR CONTRACT AWARDING AUTHORITIES.**

(A) In addition to the duties given to the Mayor elsewhere, the Mayor shall:

1. By July 1st of each fiscal year subject to this Ordinance, issue notices to all City departments informing them of their duties under this Ordinance. The notice shall contain the following information: (1) the City-wide MBE/WBE participation goals that departments are expected to use good-faith efforts to attain during the fiscal year and that a department's failure to

use good-faith efforts to attain the MBE/WBE participation goals shall be reported to the Board of Supervisors ((and Chief Administrative Officer)) in the Commission's annual report; and (2) the data each department is required to provide the Controller on each contract award;

2. ((Pursuant to Charter Section 3.100, coordinate)) Coordinate and enforce cooperation and compliance by all departments with this Ordinance;

3. Establish a three-member Contract Review Committee who shall have the authority to review contracts proposed by the Director or a department to be set aside, where competition for these contracts is limited to MBEs, WBEs and/or joint ventures with MBE/WBEs. The three-member Contract Review Committee shall be composed of the HRC Director, an individual appointed by the Board of Supervisors ((Chief Administrative Officer)) and an individual appointed by the Mayor. The Board ((Chief Administrative Officer)) and the Mayor shall appoint individuals who are knowledgeable about contracting practices of the City and of the industry or profession affected by the set-aside of the contract;

4. Establish a three-member Subcontracting Goals Committee which shall have the authority to review decisions by the Director

denying a contractor's request, pursuant to Section 12D.9(D)-(4) or 12D.11(A)-(6), to waive or reduce subcontractor participation goals. The three-member Subcontracting Goals Committee shall be composed of an individual appointed by the Commission, an individual appointed by the Board of Supervisors ((Chief Administrative Officer)) and an individual appointed by the Mayor. The Commission, the Board of Supervisors ((Chief Administrative Officer)) and the Mayor shall appoint individuals who are knowledgeable about the City's contracting and subcontracting practices and the relevant construction or professional service industry. The Commission, the Board of Supervisors ((Chief Administrative Officer)), or the Mayor may not appoint to the Subcontracting Goals Committee the Director or any employee of the Human Rights Commission.

(B) Contract awarding authorities or in the case of a professional services contract, the department making the contract award recommendation, shall:

1. Use good-faith efforts to solicit and obtain quotes, bids or proposals from MBEs and WBEs on all solicitations, or document their unavailability;

2. Unless otherwise indicated in this Ordinance and except where prohibited by State or Federal law or regulation, extend a preference in all bids and contracts and in the composition of rating scales as follows: (1) a five-percent preference to (i) a local business or (ii) a joint venture with local MBE or local WBE participation which equals or exceeds 35 percent but is under 40 percent; or (iii) where a joint venture is composed of only local businesses with no local MBE or WBE participation or where the local MBE or local WBE participation is less than 35 percent; (2) a seven and one-half percent (7.5%) preference to (i) a joint venture with local MBE or WBE participation which equals or exceeds 40 percent but is less than 51 percent; (3) a 10-percent preference to (i) a local MBE or local WBE or (ii) a joint venture with local MBE or local WBE participation which equals or exceeds 51 percent.

A joint venture shall receive the aforementioned appropriate bid preference when the MBE or WBE is an active partner in the joint venture and performs work, manages the job and takes financial risks in proportion to the required level of participation stated in the bid documents and is responsible for a clearly defined portion of the work to be performed, and shares in

the ownership, control, management responsibilities, risks, and profits of the joint venture. The portion of the MBE or WBE joint venturer's work shall be set forth in detail separately from the work to be performed by the nonMBE or nonWBE joint venture partner. The MBE or WBE joint venturer's portion of the contract must be assigned a commercially reasonable dollar value;

3. Arrange contracting by size and type of work to be performed so as most effectively to enhance the opportunity for participation by MBEs and WBEs to the maximum extent feasible. As soon as practical before soliciting quotes, bids or proposals, all contract awarding authorities or in the case of a professional services contract, the department making the contract award recommendation, shall submit all large proposals to the Director for review. The purpose of the Director's review is to determine whether the proposed project can be divided into smaller projects so as to enhance the opportunity for participation by MBEs and WBEs in the project. For purposes of this subsection, the term "large project" shall mean the following: (1) any public works/construction project estimated to cost more than $5,000,000; (2) any professional services contract estimated to cost more than $50,000. If the Director determines, after consulting with the

contract awarding authority or department responsible for the project, that the project can be divided into smaller projects, the contract awarding authority or department shall comply with the Director's determination and issue the solicitation for quotes, bids or proposals in accordance with the Director's determination;

4. Adjust bid bonding and insurance requirements as recommended by the City Risk Manager in his May 2, 1989 "Contract Insurance Manual";

5. Utilize a revolving fund as may be established by the City to assist MBEs and WBEs to meet bonding, insurance and other fee-related requirements;

6. Submit to a central office all current bids, requests for proposals, and solicitations with sufficient lead time to provide adequate notice and opportunity to MBEs and WBEs to participate;

7. Impose such sanctions or take such other actions as are designed to ensure compliance with the provisions of this Ordinance, which shall include, but are not limited to:

(a) Refusal to grant the award of a contract;

(b) Order the suspension of a contract;

(c) Order the withholding of funds;

(d) Order the revision of a contract based upon a material breach of contract provisions pertaining to MBE or WBE participation;

(e) Disqualification of a bidder, contractor, subcontractor, or other business from eligibility for providing goods or services to the City for a period not to exceed five years, with a right to review and reconsideration by the Commission after two years upon a showing of corrective action indicating violations are not likely to recur;

8. Not award any contract to a person or business which is disqualified from doing business with the City under the provisions of this Ordinance, nor shall any contract be awarded to any person or business which is disqualified from doing business with any governmental agency based on failure to comply with Minority or Women Business Enterprise or contract compliance requirements which are substantially the same as those of this Ordinance;

9. Designate a staff person to be responsible for responding to the Director and Commission and to the requirements of this Ordinance;

10. Maintain accurate records for each contract awarded, its dollar value, the nature of the goods or services to be provided, the name of the contractor awarded the contract, the efforts made by a construction, architect/engineer contractor to solicit bids from and award subcontracts to MBEs and WBEs;

11. Where feasible, provide technical assistance to MBEs and WBEs to increase their ability to compete effectively for the award of City contracts;

12. Work with the Director and the Controller to implement a City-wide prompt-payment policy requiring that MBEs, WBEs and LBEs be paid by the City within 60 days of the date on which the City receives an invoice from an MBE, WBE or LBE for work performed for the City;

13. Provide the Director with written notice of all contract modifications which result in an increase or decrease of the contract's dollar amount of more than 10 percent. Such notice shall be provided within 30 days of each such contract modification.

(C) Subject to the prior approval of the Director, contract awarding authorities or departments may invite, encourage or

request businesses to joint venture on any contract to promote MBE or WBE participation.

(D) For the purpose of determining Minority and Women Business Enterprise participation:

Contracts awarded to joint ventures in which one or more MBEs or WBEs are combined with one or more businesses which are not Minority or Women Business Enterprises shall be deemed to be awarded to Minority or Women Business Enterprises only to the extent of the Minority or Women Business Enterprises' participation in the joint venture.

(E) All contracts subject to this Ordinance shall include the following requirements, in addition to such other requirements as may be set forth elsewhere:

1. Bidders and contractors on all contracts shall be required to sign before a notary an affidavit prepared by the City Attorney, declaring under penalty of perjury their intention fully to comply with the provisions of the Ordinance;

2. Contracts shall incorporate this Ordinance by reference and shall provide that the willful failure of any bidder or contractor to comply with any of its requirements shall be deemed a material breach of contract;

3. Contracts shall provide that in the event that the Director finds that any bidder, subcontractor or contractor willfully fails to comply with any of the provisions of this Ordinance, rules and regulations implementing the Ordinance or contract provisions pertaining to MBE or WBE participation the bidder, subcontractor or contractor shall be liable for liquidated damages for each contract in an amount equal to the bidder's or contractor's net profit on the contract, or 10 percent of the total amount of the contract or $1,000, whichever is greatest, said amount to be determined by the Director pursuant to Section 12D.14(C). All contracts shall also contain a provision in which the bidder, subcontractor or contractor acknowledges and agrees that the liquidated damages assessed shall be payable to the City upon demand and may be set off against any monies due to the bidder, subcontractor or contractor from any contract with the City;

4. Contracts shall require bidders, contractors and subcontractors to maintain records necessary for monitoring their compliance with this Ordinance;

5. Contracts shall require that during the term of the contract, the prime contractor shall fulfill the MBE and WBE participation commitments submitted with their bid;

6. Contracts shall require prime contractors to include a contract provision in any subcontract with an MBE or WBE which provides MBE and WBE subcontractors with a remedy for a prime contractor's noncompliance with his or her commitment to utilize MBE and WBE subcontractors. This contractual provision shall include an agreement by the prime contractor to compensate any MBE or WBE subcontractor if the prime contractor does not fulfill its commitment to utilize the MBE or WBE subcontractor. This contractual provision shall also state that it is enforceable in a court of competent jurisdiction;

7. Whenever contract supplements, amendments or change orders are made which cumulatively increase the total dollar value of a construction contract by more than 10 percent, the contractor shall comply with those MBE and WBE provisions of this Ordinance which applied to the original contract with respect to the supplement, amendment, or change order;

8. Contracts in which subcontracting is utilized shall prohibit back contracting to the prime contractor or lower-tier

subcontracting for any purpose inconsistent with the provisions of this Ordinance, rules and regulations adopted pursuant to this Ordinance, or contract provisions pertaining to MBE and WBE utilization.

(F) All contracts or other agreements between the City and County of San Francisco and persons or entities, public or private, where such persons or entities receive money from or through the City for the purpose of contracting with businesses to perform public improvements, shall require such persons or entities to comply with the provisions of this Ordinance in awarding and administering such contracts, except where prohibited by State or Federal law or regulation.

(G) Where a department can demonstrate, despite its good-faith efforts and application of the bid preference(s), that it has failed substantially to eliminate the exclusion of MBEs or WBEs from City contracting, the department, after consulting with the Director, may request the Contract Review Committee established in Section 12D.8.(A)3 to review and approve the proposed project(s) selected by the department for a set-aside.

(H) City department heads and commissioners shall attend a one-hour mandatory training session on an annual basis. The

training session shall be organized and conducted by the Director and shall inform City department heads and commissioners of the requirements of this Ordinance.

Section 98. The San Francisco Administrative Code is hereby amended, by amending Section 12D.12 to read as follows:

SEC. 12D.12. GOOD-FAITH EFFORTS REQUIRED FOR OTHER CONTRACTS.

(A) All City and County departments, commissions, boards, officers and employees, in the deposit of City funds and performance of their other official duties, and in the award of leases, franchises, concessions, and contracts not subject to the race- and gender-conscious bid preferences of this Ordinance shall make every good-faith effort to use the services of Minority Business Enterprises and Women Business Enterprises. Such services shall include, but are not limited to, the financial services of banks, savings and loan companies and other commercial financial institutions, arrangement of travel and accommodations when traveling on official City business and such other services needed by City departments. Commissions and boards shall submit to the Director on an annual basis a written report on the efforts made pursuant to this Subsection.

(B) The City Treasurer, the Controller, the Health Service System and the Retirement Board shall report annually to the Director, with copies to the Mayor and the Board of Supervisors ((or the Chief Administrative Officer)), their utilization of MBEs and WBEs.

Section 99. The San Francisco Administrative Code is hereby amended, by amending Section 12D.14 to read as follows:

SEC. 12D.14. MONITORING AND COMPLIANCE.

(A) The Director shall monitor the City's progress toward achievement of the goals stated in Section 12D.3 (declaration of policy). The Director shall issue an exit report for any contract which includes MBE/WBE prime contractor participation as a joint venture partner. The purpose of the exit report is to ensure that MBE/WBEs are actually performing services on joint ventures.

(B) **Noncompliance By Contractors.** In cases where the Director has cause to believe that a contractor acting in good faith has failed to comply with any of the requirements of this Ordinance, rules and regulations adopted pursuant to this Ordinance, or contract provisions pertaining to MBE or WBE participation, the Director shall notify the contract awarding

authority and shall attempt to resolve the noncompliance through conciliation. If the noncompliance cannot be resolved, the Director shall submit to the Commission and the contractor a written Finding of Noncompliance. The Human Rights Commission shall give the contractor an opportunity to appeal the Finding, and if the Commission concurs with the finding of the Director, it shall take such action as will effectuate the purposes of this Ordinance.

(C) **Wilful or Bad Faith Noncompliance by Contractors.** In cases where the Director has cause to believe that any bidder or contractor has wilfully failed to comply with any of the provisions of this Ordinance, rules and regulations adopted pursuant to this Ordinance, or contract provisions pertaining to MBE or WBE participation, the Director shall be empowered to conduct an investigation and after affording the contractor notice and an opportunity to be heard, may impose sanctions for each violation of this subsection. Such sanctions shall include but are not limited to:

(a) Declare the bidder or contractor nonresponsive and ineligible to receive the award of the contract;

(b) Declare the bidder or contractor an irresponsible bidder and disqualify the bidder or contractor from eligibility for providing goods or services to the City and County for a period of five years, with a right of review and reconsideration by the Commission after two years upon a showing of corrective action indicating violations are not likely to reoccur;

(c) If the bidder or contractor is a MBE, WBE and/or LBE, revoke that business' certification as a MBE, WBE and/or LBE;

(d) Determine that the bidder or contractor has wilfully failed to comply with the provisions of this Ordinance and pursuant to the provision in the contract contemplated by Section 12D.8(E)3 of the Ordinance, calculate the liquidated damages for which the bidder or contractor shall be liable.

Thereafter the Director shall send a written notice to the Controller, the Mayor and to all contract awarding authorities or City department officials overseeing any contract with the bidder or contractor that a determination of a bad-faith compliance has been made and that all payments due the bidder or contractor shall be withheld as agreed to by the bidder or contractor and the City pursuant to Section 12D.8(E)3.

In addition, the Director shall transmit to the Bureau of Delinquent Revenues a report of the determination of liability and ask the Bureau of Delinquent Revenues to coordinate efforts with the Controller and other applicable City departments to ensure that the liquidated damages are paid to the City.

The bidder or contractor may appeal the Director's decision to the Human Rights Commission, which may sustain, reverse or modify the Director's findings and sanctions imposed or take such other action as will effectuate the purposes of this Ordinance.

An appeal by a contractor under this subsection shall not stay the Director's findings.

(D) The Director may require such reports, information and documentation from contractors, bidders, contract awarding authorities and the head of any department, division, or office of the City as are reasonably necessary to determine compliance with the requirements of this Ordinance.

(E) **Noncompliance by City Departments.** Whenever the Director finds after investigation that a contract awarding authority has wilfully failed to comply with the provisions of this Ordinance, a written Finding of Noncompliance specifying the nature of the noncompliance shall be transmitted to the contract

awarding authority, the Commission, the Mayor and Board of Supervisors; and

The Director shall attempt to resolve any noncompliance through conference and conciliation. Should such attempt fail to resolve the noncompliance, the Director shall transmit a copy of the Finding of Noncompliance along with a finding that conciliation was attempted and failed to the Commission which shall notify the contract awarding agency to take appropriate action to secure compliance.

The Finding of Noncompliance shall be communicated to the Mayor ((or the Chief Administrative Officer)) and the Board of Supervisors.

(F) If the Director has reason to believe that any person has knowingly made, filed, or caused to be filed with the City any materially false or misleading statement or report made in connection with this Ordinance, the Director shall report that information to the City Attorney or the District Attorney for appropriate action. The Director shall be empowered to conduct an investigation and for each violation of this subsection, 12D.14(F), to impose sanctions as set forth in Section 12D.14(c).

Section 100. The San Francisco Administrative Code is hereby amended, by amending Section 12D.15 to read as follows:

SEC. 12D.15. REPORTING AND REVIEW; EXTENSION.

(A) **Reporting by Departments.** By December 31st of each fiscal year all contract awarding authorities and departments shall report annually to the Mayor on their progress in the preceding fiscal year toward achievement of the MBE and WBE participation goals.

(B) **Reporting by the Director.**

1. The Director shall report quarterly to the Commission and the Board of Supervisors whether the goals stated in Section 12D.3 have been met in whole or in part.

2. The Director shall report to the Commission all waivers acted upon pursuant to Section 12D.13. Such report shall be made at the first Commission meeting following the granting of the waiver.

(C) **Reporting by the Commission.** By March 1st of each fiscal year subject to this Ordinance, the Commission shall submit an annual report to the Mayor ((,)) <u>and the</u> Board of Supervisors ((and Chief Administrative Officer)) on the progress of the City toward the goals stated in Section 12D.3 of this Ordinance,

together with an identification of problems and specific recommendations for: (1) discontinuing the race- or gender-conscious bid preferences in those cases where the bid preferences have remedied the identified discrimination against MBEs and WBEs; and (2) improving the City's performance in remedying the identified discrimination against MBEs and WBEs.

(D) The Board of Supervisors shall act upon the Commission's recommendations by the third Board meeting of May in each fiscal year subject to this Ordinance.

(E) **Review by the Commission.** This Ordinance shall expire June 30, 1997 unless the Commission, after conducting public hearings, finds that the purposes identified in Section 12D.3 have not yet been achieved, in which case it shall certify said finding to the Board of Supervisors no later than 120 days prior to the expiration date. Thereafter the Board of Supervisors may extend the Ordinance for additional three-year periods.

(F) **Review by the Contract Review Committee.** The Contract Review Committee established pursuant to Section 12D.8.(A)3 shall have the following powers and duties:

1. To review contracts referred to it by the Director or a department for determining whether the contract should be set

aside, where competition for the contract is limited to MBEs, WBEs and/or joint ventures with MBE/WBEs;

2. Before approving a set aside of a contract, the Contract Review Committee shall first determine that: (1) the department seeking or affected by the set-aside has complied with all of the requirements of Section 12D.8.(B); and (2) there are at least three business enterprises which are certified or eligible for certification as a MBE or WBE which can compete for the contract set aside.

3. After making the findings required by Section 12D.15.(F)2, the Contract Review Committee may approve that a contract be set aside. However, the Contract Review Committee shall first consider the feasibility of approving a set-aside where competition is limited to joint ventures with MBE and/or WBE participation which equals or exceeds 35 percent. The Contract Review Committee shall issue its findings and approval in writing to the department affected by the set-aside.

(G) **Extension.** Pursuant to Section 12D.15(E) of Ordinance 175-89, as amended, and based upon the Additional Findings set forth in Section 12D.2-1, the Board hereby extends Ordinance 175-89, as amended, to June 30, 1997.

Section 101. The San Francisco Administrative Code is hereby amended, by amending Section 12I.2 to read as follows:

SEC. 12I.2. DEFINITIONS.

As used in this Article, the following words and phrases shall have the meanings indicated herein:

"City" or "City and County" shall mean the City and County of San Francisco, or any department, board, commission or agency thereof.

"City funds" shall mean all monies or other assets received and managed by, or which are otherwise under the control of, the Treasurer, and any notes, bonds, securities, certificates of indebtedness or other fiscal obligations issued by the City and County.

"Commodities" shall include, but not be limited to, goods, commodities, materials, supplies and equipment.

"Contract" shall include, but not be limited to, any contract, purchase order, term purchase agreement, revolving fund order, or other binding written obligation of the City and County.

"Contracting officer" shall mean that officer or employee of the City and County authorized under the Charter, the

Administrative Code or the Municipal Code, to enter into a contract on behalf of the City and County. "Contracting officer" shall include the Mayor, ((the Chief Administrative Officer,)) each department head or general manager and other employees of the City and County authorized to enter into contracts or other binding agreements on behalf of the City and County.

"Doing business in the City and County" shall mean entering into or seeking to enter into a contract to provide goods or services to the City and County.

"Non-tropical hardwood equivalents" shall mean any and all hardwood that grows in any geographically temperate regions, as defined by the U.S. Forest Service, and is equivalent to tropical hardwood in density, texture, grain, stability or durability. Non-tropical hardwoods, the use or purchase of which shall be preferred under this Article, shall include, but not be limited to the following species:

Scientific Name	Common Name
Fraxinus americana	Ash
Tilia americana	Basswood

Fagus grandifolia	Beech
Betula papyrifera	Birch
Juglans cinera	Butternut
Prunus serotina	Cherry
Populus spp.	Cottonwood
Taxodium distichum	Cypress
Pseudotsugá menziesii	Douglas Fir
Ulmus spp.	Elm
Nyssa sylvatica	Black Gum
Liquidambar styraciflua	Red Gum
Celtis laevigata	Hackberry
Tsuga heterophylla	West Hemlock
Hicoria spp.	Hickory
Acer saccharum	Sugar Maple
Acer spp.	Soft Maple
Quercus spp.	Red Oak
Quercus spp.	White Oak
Hicoria spp.	Pecan
Pinus ponderosa	Ponderosa Pine
Pinus spp.	Yellow So. Pine
Liriodendron tulipifera	Yellow Poplar

Picea sitchensis	Sitka Spruce
Platanus occidentalis	Sycamore
Juglas nigra	Black Walnut

"Purchaser" shall mean the Purchaser of the City and County or any authorized representative of that official.

"Tropical hardwood" shall mean any and all hardwood, scientifically classified as angiosperme, that grows in any Tropical Moist Forest. Tropical hardwoods, the use or purchase of which shall be governed by this Article, shall include, but not be limited to, the following species:

Scientific Name	Common Name
Vouacapoua americana	Acapu
Pericopsis elata	Afrormosia
Shorea almon	Almon
Peltogyne spp.	Amaranth
Guibourtia ehie	Amazaque
Aningeria spp.	Aningeria
Dipterocarpus grandiflorus	Apitong

Ochrama lagopus	Balsa
Virola spp.	Banak
Anisoptera thurifera	Bella Rosa
Guibourtia arnoldiana	Benge
Detarium Senegalese	Boire
Guibourtia demeusil	Bubinga
Prioria copaifera	Cativo
Antiaris africana	Chenchen
Dalbergia retusa	Concobolo
Cordia spp.	Cordia
Diospyros spp.	Ebony
Aucoumea klaineanal	Gaboon
Chlorophora excelsa	Iroko
Acacia koa	Koa
Pterygota macrocarpa	Koto
Shorea negrosensis	Red Lauan
Pentacme contorta	White Lauan
Shorea polysperma	Tanguile
Terminalia superba	Limba
Aniba duckei	Louro
Khaya ivorensis	African Mahogany

Swietenia macrophylla	American Mahogany
Tieghemella heckelii	Makore
Distemonanthus benthamianus	Movingui
Pterocarpus soyauxii	African Paduak
Pterocarpus angolensis	Angola Paduak
Aspidosperma spp.	Peroba
Peltogyne spp.	Purpleheart
Gonystylus spp.	Ramin
Dalbergia spp.	Rosewood
Entandrophragma cylindricum	Sapele
Shorea philippinensis	Sonora
Tectona grandis	Teak
Lovoa trichilioides	Tigerwood
Milletia laurentii	Wenge
Microberlinia brazzavillensis	Zebrawood

"Tropical rainforests" shall mean any and all forests classified by the scientific term "Tropical Moist Forests," the classification determined by the equatorial region of the forest and average rainfall.

"Tropical wood products" shall refer to any wood products, wholesale or retail, in any form, including but not limited to veneer, plywood, furniture, cabinets, paneling, mouldings, doorskins, joinery, or sawnwood, which are composed of tropical hardwood. As used herein, the following words and phrases shall have the meanings indicated herein:

(1) "Doorskin" shall mean a thin sheet of wood which is glued onto the frame of a door to form the face of the door.

(2) "Moulding" shall refer to decorative wood used around window and doorframes, ceilings, and corners.

(3) "Paneling" shall mean any thin sheet or sheets of attractive wood, intended to be used as wall covering, including any sheet consisting of a veneer glued onto some backing material.

(4) "Particle board" shall mean any wood sheet or board created by compressing wood chips and particles from logs, trees or industrial residue.

(5) "Plywood" shall mean any wood sheet created by gluing together thinner sheets (veneers) of any species.

(6) "Sawnwood" shall mean lumber or any form of wood which is sawn or chipped lengthwise in either a rough or smooth cut.

(7) "Veneer" shall mean a very thin slice of wood, between

$^{1}/_{16}$ inch to $^{1}/_{125}$ inch in width, used in plywood, paneling, furniture exterior, and doorskins.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By _____
THOMAS J. OWEN
Deputy City Attorney

(06/17/96)

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
June 24, 1996	§	July 1, 1996
	§	
	§	
Ayes: Supervisors Alioto Ammiano	§	Ayes: Supervisors Alioto Ammiano
Bierman Brown Hsieh Katz Kaufman	§	Bierman Brown Hsieh Katz Kaufman
Leal Shelley Yaki	§	Leal Shelley Yaki
	§	
Absent: Supervisor Teng	§	Absent: Supervisor Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
97-96-19.1

JUL - 3 1996
Date Approved

Mayor

FILE NO. 97-96-35 ORDINANCE NO. 279-96

[General Plan Referrals]

AMENDING THE SAN FRANCISCO ADMINISTRATIVE CODE BY ADDING SEC.3.012 TO PROVIDE FOR GENERAL PLAN REFERRALS.

(Note: The entire section is new.)

Be it ordained by the People of the City and County of San Francisco:

SECTION I.

The San Francisco Administrative Code is hereby amended by adding Section 3.012 to read as follows:

SEC. 3.012. GENERAL PLAN REFERRALS.

(a) General. The Charter requires that the Planning Department prepare written reports regarding the conformity with the General Plan for the use of the Board of Supervisors prior to its action on the acquisition, vacation, sale or change in use or title of public property, subdivisions of land, construction or improvement of public buildings or structures, plans for public housing or publicly assisted private housing, or redevelopment project plans, within the City and County.

(b) Purpose. The General Plan is a compendium of policies on all aspects of the City and County's physical development, formulated with extensive public participation, adopted by the Planning Commission, and approved by the Board of Supervisors. In order to implement the public policy contained in the General Plan, the following procedures will be used in determining consistency with the General Plan and reporting the findings to the Board of Supervisors in a timely manner prior to action on the proposal. Early involvement of the Planning Department in the planning of a project or plan is advisable to avoid delays. The Planning Department is available to provide Policy Analysis Reports on issues concerning the physical development of the city as a proactive information tool for decision making and analysis of applicable public policy as contained in the General Plan

(c) Applicability. The following actions by the Board of Supervisors require a written report from the Planning Department on the consistency of the proposed action with the General Plan:

1. Proposed ordinances and resolutions concerning the acquisition, extension, widening, narrowing, removal, relocation, vacation, abandonment, sale or change in the use of any public way, transportation route, ground, open space, building, or structure owned by the City and County;
2. Subdivisions of land within the City and County;
3. Projects for the construction or improvement of public buildings or structures within the City and County, the annual capital expenditure plan, six year capital improvement program, a capital improvement project or a long-term financing proposal such as, but not limited to, general obligation or revenue bonds or non-profit corporation proposals;
4. Project plans for public housing, or publicly assisted private housing in the City and County;
5. Redevelopment project plans within the City and County;
6. Programs and schedules which link the General Plan to the allocation of local, state and federal resources; and
7. Any substantial change to any of the above actions.

(d) Application. Property owners, public agencies and their respective agents shall initiate General Plan Referrals by filing a completed application containing all required information with the Planning Department and paying an initial fee set forth in Section 352(e) of Article 3.5A of the Planning Code. The remainder of the fee, based on time and materials, shall be paid prior to the transmittal of the General Plan Referral Report to the applicant or Board of Supervisors. The Planning Department shall determine whether the application is complete and shall notify the applicant and, in the case of an incomplete application, request

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the necessary information.

(e) Determination. For most General Plan Referral applications, a written General Plan Referral Report stating that a proposed action is consistent with the General Plan, shall be transmitted to the applicant for submittal with the proposal to the Board of Supervisors in 45 days after accepting a complete application. If the response requires more than 45 days because of environmental review procedures, the complexity of the proposed action, public controversy generated by the proposal, or a public hearing before the Planning Commission, the Department shall notify the applicant and Board of Supervisors.

Proposals which are inconsistent with the General Plan, complex or have generated public controversy, shall require a public hearing and determination by the Planning Commission. The Planning Commission resolution finding a proposal in conformity with the General Plan or disapproving the proposed action because of nonconformity with the General Plan shall be submitted to the Board of Supervisors and the applicant within five business days after receipt of payment.

(f) Board of Supervisor Action

Resolutions or motions for actions listed under (c) of this section shall include a finding of consistency with the General Plan. The Planning Commission disapproval of a proposed action may be overruled by a vote of not less than two-thirds of the members of the Board of Supervisors.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: _____

Deputy City Attorney

cc

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
June 24, 1996	July 1, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki	Ayes: Supervisors Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki
Absent: Supervisor Teng	Absent: Supervisors Alioto Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No. 97-96-35

JUL - 3 1996
Date Approved

_____
Mayor

FILE NO. 97-96-36 ORDINANCE NO. 280-96

[General Plan Referrals]

AMENDING THE SAN FRANCISCO ADMINISTRATIVE CODE BY AMENDING SECTION 3.011 TO PROVIDE FOR GENERAL PLAN REFERRALS BY THE CAPITAL IMPROVEMENT ADVISORY COMMITTEE.

(Note: Additions are underlined and deletions are shown in ((double parentheses)).)

Be it ordained by the People of the City and County of San Francisco:

SECTION I.

The San Francisco Administrative Code is hereby amended to read as follows:

SEC. 3.011 CAPITAL IMPROVEMENT ADVISORY COMMITTEE - GENERAL ((MASTER)) PLAN REFERRALS. ((Where a capital improvement project requires Master Plan action by the Department of City Planning, t))The Capital Improvement Advisory Committee cannot act upon the annual capital expenditure plan, six year capital improvement program, a capital improvement project or a long-term financing proposal such as, but not limited to, general obligation or revenue bonds or non-profit corporation proposals ((such project))until a General Plan Referral report has been rendered by the Planning Department ((of City Planning)) regarding conformity of the project with the ((master)) General P((p))lan. In order to complete the General Plan Referral Report in a timely fashion, the Planning Department recommends that the requesting agency involve the Planning Department early in the planning process and request the preparation of a Policy Analysis Report. This report will provide policy guidance for the planning and decision making of the proposal and its alternatives.

If ((Failure of)) the Planning Department ((of City Planning))fails to render a General Plan Referral report within 45((30)) days after such referral, unless a longer time has been granted by the Board of Supervisors, said capital improvement plan shall be deemed to be in conformity with the General P((master p))lan. Procedures for General Plan referrals as set forth in Section 3.012 of this Code shall be applicable.

Further, to facilitate rational prioritization of capital improvement projects over a six year time period and within the resource and debt capacity, the Planning Department shall assist in developing a Strategic Plan for Capital Expenditures for use of the Capital Improvement Advisory Committee and the Board of Supervisors.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: Judith A. Boggian
Deputy City Attorney

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JUL 25 1996
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cc

Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
June 24, 1996	$	July 1, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki	$	Ayes: Supervisors Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki
	$	
Absent: Supervisor Teng	$	Absent: Supervisors Alioto Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
97-96-36

JUL - 3 1996
Date Approved

Willie L. Brown Jr.
Mayor

6/4/96 - As amended in Committee

FILE NO. 121-96-2.1 ORDINANCE NO. 281-96

[Extend Sunset Clause - Tour Bus Prohibition on 25th Ave. & El Camino Del Mar]

AMENDING ORDINANCE NO. 88-96, WHICH AMENDED THE SAN FRANCISCO POLICE CODE TO PROHIBIT TOUR BUSES ON EL CAMINO DEL MAR BETWEEN THE PRESIDIO (APPROXIMATELY 290 FEET EAST OF 25TH AVE.) AND LEGION OF HONOR DRIVE, AND 25TH AVE. BETWEEN LAKE STREET AND EL CAMINO DEL MAR, THROUGH JUNE 30, 1996, BY AMENDING SECTION 3 TO PROVIDE THAT THIS PROHIBITION ON

6/4/96 jlb TOUR BUSES SHALL EXPIRE ON ~~SEPTEMBER 30, 1996~~ JUNE 30, 1997 RATHER THAN JUNE 30, 1996.

Note: Additions are <u>underlined</u>; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Section 3 of Ordinance No. 88-96 of the City and County of San Francisco is hereby amended to read as follows:

Section 3. The provisions of this ordinance shall expire on

6/4/97 jlb ((June)) ~~September 30, 1996~~ June 30, 1997.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: Theodore R. Lakey
Theodore R. Lakey
Deputy City Attorney

Supervisors Shelley, Yaki
BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
June 24, 1996	July 1, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki	Ayes: Supervisors Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki
Absent: Supervisor Teng	Absent: Supervisors Alioto Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John Taylor
Clerk

File No. 121-96-2.1

JUL - 3 1996
Date Approved

Mayor

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6/4/96 - As amended in Committee.

CC

FILE NO. 121-96-5.2

ORDINANCE NO. 282-96

[Extend Sunset Clause - Tour Bus Prohibition on 15th Ave.]

AMENDING ORDINANCE NO. 115-96, WHICH AMENDED THE SAN FRANCISCO POLICE CODE TO PROHIBIT TOUR BUSES ON 15TH AVENUE FROM LAKE STREET TO THE PRESIDIO THROUGH JUNE 30, 1996, BY AMENDING SECTION 2 TO PROVIDE THAT THIS PROHIBITION ON TOUR BUSES SHALL EXPIRE ON ~~SEPTEMBER 30, 1996~~ JUNE 30, 1997 RATHER THAN JUNE 30, 1996.

Note: Additions are underlined; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Section 2 of Ordinance No. 115-96 of the City and County of San Francisco is hereby amended to read as follows:

Section 2. The provisions of this ordinance shall expire on ((June)) ~~September 30, 1996~~ JUNE 30, 1997.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: Theodore R. Lakey
Theodore R. Lakey
Deputy City Attorney

Supervisors Shelley, Yaki
BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
June 24, 1996	July 1, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki	Ayes: Supervisors Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki
Absent: Supervisor Teng	Absent: Supervisors Alioto Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No. 121-96-5.2

JUL - 3 1996
Date Approved

Mayor

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FILE NO. 121-96-10 ORDINANCE NO. 283-96

[Regulating the Sale of "Saturday Night Specials"]

AMENDING THE SAN FRANCISCO MUNICIPAL CODE, PART II, CHAPTER 8 (POLICE CODE) BY AMENDING SECTIONS 613.1 AND 613.10 THERETO, AND ADDING SECTION 613.10-1 TO DEFINE AND PROHIBIT THE SALE OF CERTAIN FIREARMS DEEMED "SATURDAY NIGHT SPECIALS."

Note: Additions or substitutions are indicated by <u>underlining</u>.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

1. In recent years, firearms have eclipsed automobiles as the primary cause of injury-related mortality in California and at least five other states.

2. The Federal Centers for Disease Control and Prevention have projected that firearms will become the primary cause of injury-related mortality nationwide by 2003.

3. Firearms are the leading killer of Californians under the age of 24, killing more Californians in that age group than motor-vehicle injuries, AIDS, heart disease, and cerebrovascular disease combined.

4. Guns are widely and easily available in California. There are more than twice as many gun dealers in California as

there are schools.

5. The United States government has taken steps to prevent the importation into this county of poorly made, easily concealable handguns manufactured abroad (commonly known as "Saturday Night Specials" or "junk guns"), but has not taken steps to prohibit the sale of similar, domestically manufactured handguns.

6. Thousands of small handguns are sold in the United States each year that are of such poor quality that they present a danger to those who purchase them for protection purposes. According to the University of California, Davis's Violence Prevention Research Program, most of these guns are manufactured in California.

7. Saturday Night Specials are disproportionately used in crimes. Studies conducted by the federal Bureau of Alcohol, Tobacco and Firearms ("BATF") and others have shown that well over half the guns confiscated by police are worth less than $50, have barrel lengths of three inches or less, or are .32 caliber or smaller. <u>These guns have an approximate retail value in San Francisco of $75 to $100.</u>

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jlb

8. Other studies have shown that 62 percent of the guns seized at crime scenes from 1991-1993 were produced by California-based manufacturers of Saturday Night Specials.

9. According to BATF, eight out of the ten firearms most

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frequently traced nationally to crime scenes in 1995 were Saturday Night Specials.

10. Saturday Night Specials have been shown to be three times more likely to be traced to criminal activity than handguns manufactured to modern safety standards from quality materials.

11. Saturday Night Specials, as defined in this legislation, are an inherently unsafe product.

12. In recent years, firearms manufacturers have made token modifications to Saturday Night Specials that have resulted in no advancement, or only marginal advancement, in the durability of these handguns.

13. Cosmetic remodeling of Saturday Night Specials has not ameliorated the core design deficiencies of these guns, such as their low quality manufacture and metallurgy.

14. The State of California has not, expressly or impliedly, preempted the area of regulation of firearms sales and has specifically authorized local licensing and regulation of gun dealers.

15. The State has not sufficiently addressed the problems resulting from the sale of Saturday Night Specials, forcing cities to enact local measures to address the threat to the public's

health and safety posed by these guns.

Section 2. Part II, Chapter 8 of the San Francisco Municipal Code (Police Code) is hereby amended by amending section 613.1, to read as follows:

SEC. 613.1. DEFINITIONS.

A. "Firearm" shall mean any device, designed to be used as a weapon or modified to be used as a weapon, that expels a projectile by the force of an explosion or other form of combustion.

B. "Firearm Ammunition" shall mean any cartridge or encasement containing a bullet or projectile, propellant or explosive charge, and a primer which is used in the operation of a firearm.

C. "Firearm Ammunition Component" shall mean any cartridge or encasement, bullet or projectile, primer or propellant or explosive material used in the manufacture of ammunition.

D. "Saturday Night Special" shall mean any of the following:

1. a pistol, revolver, or firearm capable of being concealed upon the person, as those terms are defined in California Penal Code Section 12001(a), which contains a frame, barrel, breechblock, cylinder or slide that is not completely fabricated of heat treated carbon steel, forged alloy, or other material of equal

or higher tensile strength.

2. a semi-automatic pistol which:

(a) is not originally equipped by the manufacturer with a locked-breech action; and

(b) is chambered for cartridges developing maximum permissible breech pressures above 24,100 Copper Units of Pressure as standardized by the Sporting Arms and Ammunition Manufacturers Institute.

(c) For purposes of this subsection (2), "semi-automatic pistol" shall mean a firearm, as defined in California Penal Code Section 12001(b), which is designed to be held and fired with one hand, and which does the following upon discharge: (i) fires the cartridge in the chamber; (ii) ejects the fired cartridge case; and (iii) loads a cartridge from the magazine into the chamber. "Semi-automatic pistol" shall not include any assault weapon designated in California Penal Code section 12276.

3. A pistol, revolver, or firearm capable of being concealed upon the person, as those terms are defined in California Penal Code Section 12001(a), which:

(a) uses an action mechanism which is substantially identical in design to any action mechanism manufactured in or

before 1989 that was originally chambered for rimfire ammunition developing maximum permissible breech pressures below 19,000 Copper Units of Pressure as standardized by the Sporting Arms and Ammunition Manufacturers Institute; and

(b) is chambered to fire either centerfire ammunition or rimfire ammunition developing maximum permissible breech pressures above 19,000 Copper Units of Pressure as standardized by the Sporting Arms and Ammunition Manufactures Institute; and

(c) is not originally equipped by the manufacturer with a nondetachable safety guard surrounding the trigger; or

(d) if rimfire, is equipped with a barrel of less than 20 bore diameters in overall length protruding from the frame.

"Saturday Night Special" does not include any of the following:

1. Any pistol which is an antique or relic firearm or other weapon falling within the specifications of paragraph (5), (7) and (8) of subsection (b) of California Penal Code section 12020; or

2. Any pistol for which the propelling force is classified as pneumatic, that is, of, or related to, compressed air

or any other gases not directly produced by combustion.

3. Children's pop guns or toys; or

4. An "unconventional pistol" as defined in California Penal Code section 12020(c)(12); or

5. Any pistol which has been modified to either render it permanently inoperable or permanently make it a device no longer classified as a "Saturday Night Special."

Section 3. Part II, Chapter 8 of the San Francisco Municipal Code (Police Code) is hereby amended by amending section 613.10, to read as follows:

SEC. 613.10. LICENSE – CONDITIONS. In addition to all other requirements and conditions stated in this Article, each license shall be subject to all of the following conditions, the breach of any of which shall be sufficient cause for revocation of the license by the Chief of Police:

(a) The business shall be carried on only in the building located at the street address shown on the license.

(b) The licensee shall comply with Sections 12073, 12074, 12076, 12077 and 12082 of the California Penal Code, to the extent that the provisions remain in effect.

(c) The licensee shall not deliver any pistol or revolver to

a purchaser earlier than 15 days after the application for the purchase, lease or transfer, unless otherwise provided by state or federal law.

(d) The licensee shall not deliver any firearm to a purchaser, lessee or other transferee unless the firearm is unloaded and securely wrapped or unloaded in a locked container.

(e) The licensee shall not deliver any firearm, firearm ammunition, or firearm ammunition component to a purchaser, lessee or other transferee unless the purchaser, lessee or other transferee is personally known to the seller or presents clear evidence of his or her identity and age to the seller. As used in this Section, "clear evidence of his or her identity and age" includes, but is not limited to, a motor vehicle operator's license, a state identification card, an armed forces identification card, an employment identification card which contains the bearer's signature and photograph, or any similar documentation which provides the seller reasonable assurance of the identity and age of the purchaser.

(f) The licensee shall not display in any part of the premises where it can be readily seen from outside the premises, any firearm, firearm ammunition or imitation thereof, or placard

advertising the sale or other transfer thereof, other than a sign identifying the name of the business.

(g) The licensee shall not sell, lease or otherwise transfer any firearm without also selling or otherwise providing with each firearm a trigger lock or similar device approved by the Chief of Police that is designed to prevent the unintentional discharge of the firearm.

(h) The licensee shall not sell, lease or otherwise transfer to any person any ammunition clip or magazine that has the capacity to contain more than 15 rounds of ammunition.

(i) The licensee shall not sell, lease or otherwise transfer to any person any ammunition that has no sporting purpose and is designed to expand upon impact. Such ammunition includes, but is not limited to, Black Talon bullets.

(j) The licensee shall not sell, lease or otherwise transfer any firearm to any person under the age of 18 years, and shall not sell, lease or otherwise transfer any pistol, revolver, or firearm capable of being concealed upon the person to any person under the age of 21.

(k) The licensee shall not sell, lease or otherwise transfer any firearm ammunition to any person under the age of 18 years, and

shall not sell, lease or otherwise transfer any ammunition capable of being used in a pistol, revolver, or firearm capable of being concealed upon the person to any person under the age of 21.

(l) The licensee shall not sell, lease or otherwise transfer any firearm to any person whom the licensee has reason to believe is within any of the classes prohibited by California Penal Code Sections 12021 or 12021.1 or California Welfare and Institutions Code Sections 8100 or 8103.

(m) The licensee shall post within the licensee's premises a notice explaining the age restrictions set forth in Subsections (j) and (k) above. The posted notice shall be in a conspicuous location and shall have lettering of sufficient size such that the notice can easily and clearly be seen by all prospective purchasers of firearms and firearm ammunition.

(n) The licensee shall not sell, lease or otherwise transfer any "Saturday Night Special."

Any license issued pursuant to this Article shall be subject to such additional conditions as the Chief of Police finds are reasonably related to the purpose of this Article.

Section 4. Part II, Chapter 8 of the San Francisco Municipal Code (Police Code) is hereby amended by adding section 613.10-1, to

read as follows:

SEC. 613.10-1. PROCEDURES REGARDING SATURDAY NIGHT SPECIALS

A. Roster of Saturday Night Specials. On or before January 1, 1997, the Chief of Police or the Chief's designee shall compile, publish, and thereafter maintain a Roster of Saturday Night Specials. The Roster shall list those firearms, by manufacturer and model number, which the Chief determines fit the definition of Saturday Night Special set forth in Section 613.1. All references to "the Chief" in this section shall mean the Chief of Police or the Chief's designee.

B. Notification. Upon completion of a list of firearms to be placed on the Roster for the first time, the Chief shall endeavor to send written notification to: (1) the manufacturer of every firearm on said list; and (2) every dealer within the City who is licensed to sell and transfer firearms pursuant to Section 12071 of the California Penal Code and this Chapter of the Municipal Code. Such notification shall do the following:

1. Identify the model number of the firearm which has been classified as a Saturday Night Special within the meaning of Section 613.1;

2. Advise the recipient that the recipient may apply

for reconsideration of the classification of the firearm as a Saturday Night Special; and

3. Advise the recipient that the burden of proving a firearm does not constitute a Saturday Night Special within the meaing of Section 613.1 shall be on the recipient.

C. Reconsideration by the Chief of Police.

1. Prior to the effective date of this ordinance, the Chief shall establish standards and procedures for the form and content of an application, the conduct of an administrative hearing, and the evaluation of evidentiary testimony relating to the decision of the Chief to classify the firearm in question as a Saturday Night Special as defined in Section 613.1.

2. Upon timely filing of one or more complete applications for reconsideration, the Chief shall evaluate the evidence submitted by the applicant(s). The applicant(s) shall have the burden of demonstrating that the firearm does not constitute a Saturday Night Special within the meaning of Section 613.1.

D. Appeal of Classification.

1. If the Chief determines that the firearm under reconsideration has been properly classified as a Saturday Night

Special, then the applicant(s) shall have the right to appeal such decisions to the Police Commission, and the applicant(s) shall have the right to a hearing before the Police Commission, or a hearing officer designated by the Commission prior to inclusion of the firearm in question on the Roster.

2. The Police Commission is authorized to establish standards and procedures for the form and content of an appeal, the conduct of an administrative hearing, and the evaluation of evidentiary testimony relating to the Chief's decision to classify the firearm in question as a Saturday Night Special as defined in Section 613.1.

3. The burden of proof shall be on the appellant(s) to demonstrate that the firearm does not constitute a Saturday Night Special within the meaing of Section 613.1.

4. In all instances, the decision of the Police Commission whether to classify the firearm in question as a Saturday Night Special as defined in Section 613.1 and to place said firearm on the Roster is final.

E. Publication of Roster. The Chief shall place on the Roster each firearm which have been determined to constitute a Saturday Night Special within the meaning of Section 613.1. The

Chief shall cause the Roster to be published in the following manner:

1. The Roster shall be published at least once in the official newspaper as designated by the City and circulated in the City within fifteen (15) days after the Roster's completion; and

2. A copy of the Roster shall be filed in the Chief's office, and

3. A copy of the Roster shall be distributed to every dealer within the City who is licensed to sell and transfer firearms pursuant to Section 12071 of the California Penal Code and this Chapter of the Municipal Code.

F. Effective Date of Roster. The Roster shall become effective on the fifteenth day after its publication.

G. Additions to the Roster. Additions to the Roster shall be made in accordance with the following:

1. Semi-Annual Determination. On a semi-annual basis, the Chief shall determine the need to place firearms on the Roster. Upon identifying one or more firearms as a Saturday Night Special, the Chief shall prepare a draft list of the additions to the Roster.

2. Notification of Additions to Roster. In the event that a draft list of firearms to be added to the Roster is prepared, the Chief shall endeavor to send written notification in accordance with the aforementioned provisions of Section 613.10-1(B).

3. Reconsideration by the Chief of Police. Any person who the Chief notifies pursuant to subsection (2) above may apply for reconsideration of the classification of that firearm as a Saturday Night Special in accordance with the provisions of Section 613.10-1(C).

4. Appeal of Classification. Whenever a firearm has been determined to be properly classified as a Saturday Night Special after reconsideration, the applicant may file an appeal to the Police Commission and the Commission shall hold a hearing in accordance with the provisions of Section 613.10-1(D).

5. Additions of Firearms to Roster. After all appeals have been exhausted, the Chief shall place on the Roster those additional firearms which have been determined to constitute a Saturday Night Special within the meaning of Section 613.1. The Chief shall cause the Roster, as amended to include these additional firearms, to be published in accordance with Section 613.10-1(E).

H. Nonexclusivity of Roster. The Roster is meant to be illustrative of the types of weapons which gun dealers are prohibited from selling in San Francisco. The sale of firearms not listed on the Roster, but having the characteristics described in Section 613.1, is prohibited under Section 613.10(n).

Section 5. The provisions of this legislation shall take effect on January 1, 1997.

Section 6. If any subsection, sentence, clause, phrase, or word of this ordinance be for any reason declared unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or the effectiveness of the remaining portions of this ordinance or any part thereof. The Board hereby declares that it would have adopted this ordinance notwithstanding the unconstitutionality, invalidity, or ineffectiveness of any one or more of its subsections, sentences, clauses, phrases, or words.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: _____
Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
June 24, 1996	$	July 1, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano	$	Ayes: Supervisors Ammiano Bierman
Bierman Brown Hsieh Katz Kaufman	$	Brown Hsieh Katz Kaufman Leal
Leal Shelley Yaki	$	Shelley Yaki
	$	
Absent: Supervisor Teng	$	Absent: Supervisors Alioto Teng

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
121-96-10

JUL - 3 1996
Date Approved

Mayor

FILE NO. 34-96-4 ORDINANCE NO. 284-96

[Changing Width of Sidewalk]

AMENDING ORDINANCE NO. 1061 ENTITLED "REGULATING THE WIDTH OF SIDEWALKS" BY ADDING THERETO SECTION NO. 1524 CHANGING THE OFFICIAL SIDEWALK WIDTH ON THE SOUTH SIDE OF FULTON STREET WEST OF STANYAN STREET, AS SHOWN ON THE DEPARTMENT OF PUBLIC WORKS DRAWING LABELED Q-20-438 AND MAKING FINDINGS PURSUANT TO PLANNING CODE SECTION 101.1.

Be it ordained by the people of the City and County of San Francisco:

SECTION 1: Ordinance No. 1061 entitled " Regulating the Width of Sidewalks", be and is hereby amended in accordance with the communication filed in the Office of the Clerk of the Board of Supervisors, by adding thereto a new section to be numbered as follows:

Section 1524. The width of sidewalks on a) South side of Fulton Street west of Stanyan Street, shall be as shown on the Department of Public Works drawing labeled Q-20-438, and

SECTION 2: The Planning Department in its letter dated March 8, 1996 states that the above described change of official sidewalk width is in conformity with the Master Plan and makes findings of consistency with the Eight Priority Policies of Planning Code Section 101.1.

The San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department in its letter dated March 8, 1996, that the project intended by the proposed changes of official sidewalk widths are consistent with the Eight Priority Policies of Planning Code Section 101.1.

The Bureau of Engineering of the Department of Public Works, as is necessary as a result of this Ordinance, shall make arrangements with Public Utility companies and City Departments for the relocation and / or adjustment of their facilities in the affected sidewalk and street areas.

RECOMMENDED:

Acting Director of Public Works

DESCRIPTION APPROVED

City Engineer

APPROVED AS TO FORM:
LOUISE RENNE, CITY ATTORNEY

By
Deputy City Attorney

APPROVED:

Chief Administrative Officer

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cc

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
July 1, 1996	§	July 8, 1996
	§	
	§	
Ayes: Supervisors Alioto Ammiano	§	Ayes: Supervisors Alioto Ammiano
Bierman Brown Hsieh Katz Kaufman	§	Bierman Brown Hsieh Kaufman Leal
Leal Shelley Yaki	§	Shelley Teng Yaki
	§	
Absent: Supervisor Teng	§	Absent: Supervisor Katz

I hereby certify that the foregoing ordinance
was finally passed by the Board of Supervisors
of the City and County of San Francisco

Clerk

File No.
34-96-4

JUL 12 1996
Date Approved

Mayor

FILE NO. 34-96-5 ORDINANCE NO. 285-96

[Establishing the Width of a Sidewalk]

AMENDING ORDINANCE NO. 1061 ENTITLED "REGULATING THE WIDTH OF SIDEWALKS" BY ADDING THERETO SECTION NO. 1525 ESTABLISHING THE OFFICIAL SIDEWALK WIDTH ON THE NORTHEASTERLY SIDE OF LANGTON STREET, SOUTHEASTERLY OF BRYANT STREET, TO THE SOUTHERLY TERMINUS OF LANGTON STREET, AS SHOWN ON THE DEPARTMENT OF PUBLIC WORKS DRAWING LABELED Q-20-448 AND MAKING FINDINGS PURSUANT TO PLANNING CODE SECTION 101.1.

Be it ordained by the people of the City and County of San Francisco:

SECTION 1: Ordinance No. 1061 entitled "Regulating the Width of Sidewalks", be and is hereby amended in accordance with the communication filed in the Office of the Clerk of the Board of Supervisors, by adding thereto a new section to be numbered as follows:

Section 1525. Establishing a 7 foot width for a sidewalk on the a) Northeasterly side of Langton Street, southeasterly of Bryant Street, to the southerly terminus of Langton Street, which also shall be as shown on the Department of Public Works drawing labeled Q-20-448, and

SECTION 2: The Planning Department in its letter dated March 8, 1996 states that the above described change of official sidewalk width is in conformity with the Master Plan and makes findings of consistency with the Eight Priority Policies of Planning Code Section 101.1.

The San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department in its letter dated March 8, 1996, that the project intended by the proposed changes of official sidewalk widths are consistent with the Eight Priority Policies of Planning Code Section 101.1.

The Applicant, Bruce D. Bauman and Associates, as is necessary as a result of this Ordinance, shall make arrangements with the Public Utility Companies and City Departments for the relocation and / or adjustment of their facilities in the affected sidewalk and street areas

RECOMMENDED

Acting Director of Public Works

DESCRIPTION APPROVED:

City Engineer

APPROVED AS TO FORM:
LOUISE RENNE, CITY ATTORNEY

By Deputy City Attorney

APPROVED:

Chief Administrative Officer

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JUL 25 1996
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cc

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
July 1, 1996	§	July 8, 1996
	§	
	§	
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki	§	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Teng Yaki
	§	
Absent: Supervisor Teng	§	Absent: Supervisor Katz

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
34-96-5

JUL 12 1996
Date Approved

Mayor

[Redevelopment Agency/Yerba Buena Property Documents]

PROVIDING FOR THE APPROVAL, EXECUTION AND DELIVERY OF THE AGENCY ROOFTOP SURFACE LEASE, BETWEEN CITY AND COUNTY OF SAN FRANCISCO ("CITY") AND REDEVELOPMENT AGENCY OF THE CITY AND COUNTY OF SAN FRANCISCO ("AGENCY"), FOR A PORTION OF THE ROOFTOP OF CENTRAL BLOCK THREE OF THE YERBA BUENA GARDENS; PROVIDING FOR THE APPROVAL, EXECUTION AND DELIVERY OF THE COORDINATION AGREEMENT, BETWEEN THE CITY AND THE AGENCY, REGARDING THE OPERATION AND USE OF CENTRAL BLOCK THREE; PROVIDING FOR THE APPROVAL, EXECUTION AND DELIVERY OF THE AMENDMENT TO 1988 RECIPROCAL EASEMENT AGREEMENT, DATED AS OF MARCH 1, 1988, BETWEEN THE CITY AND THE AGENCY AFFECTING CENTRAL BLOCK THREE; PROVIDING FOR THE EXECUTION OF ANY ADDITIONAL DOCUMENTS IN CONNECTION THEREWITH; AND RATIFYING PREVIOUS ACTIONS TAKEN IN CONNECTION THEREWITH.

Be it ordained by the People of the City and County of San Francisco, as follows:

Section 1. Findings. This Ordinance is adopted with reference to the following findings:

A. The Redevelopment Agency of the City and County of San Francisco (**"Agency"**) is the fee title owner of all that certain real property located in the block bounded by Howard and Folsom Streets and Third and Fourth Streets in San Francisco, California, commonly known as Central Block Three of the Yerba Buena Center Redevelopment Area, as more particularly described in Exhibit A

///

attached to the proposed form of the Agency Lease on file with the Clerk of the Board of Supervisors (the **"CB-3 Property"**).

B. In 1979, Agency leased the CB-3 Property to City and County of San Francisco (**"City"**) pursuant to the terms and conditions of that certain Project Lease, dated April 1, 1979 (the **"Original CB-3 Project Lease"**).

C. Pursuant to the Original CB-3 Project Lease, City constructed on the CB-3 Property certain underground improvements consisting of a convention center commonly known as the George R. Moscone Convention Center (the **"Convention Center"**), as well as certain access ways serving the Convention Center (such access ways together with the Convention Center are hereinafter collectively referred to as the **"Facilities"**).

D. The Convention Center was constructed substantially below the grade of the streets bordering the CB-3 Property, and in such a manner that the roof could accommodate the construction of certain additional improvements thereon. (The surface area of the roof of the Convention Center together with an extension of such surface over the air space above certain portions of the CB-3 Property adjoining the Convention Center and situated between the Convention Center and the adjoining streets as shown on the site plan attached to the Agency Lease as Exhibit B (the **"Amended CB-3 Site Plan"**), and is hereinafter collectively referred to as the **"Convention Center Rooftop Surface."**)

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E. For the purpose of developing the Convention Center Rooftop Surface, City and Agency, together with YBG Associates, a California limited partnership (**"YBG"**), entered into an Agreement to Lease, dated as of December 19, 1984 (the **"Agreement to Lease"**). Under the Agreement to Lease, City agreed to lease to Agency two-thirds of the Convention Center Rooftop Surface, and Agency agreed to sublease to YBG a portion of the Convention Center Rooftop Surface it leased from City. Agency and YBG were obligated to develop their respective leased premises in accordance with the Redevelopment Plan.

F. To facilitate the proposed development by Agency and YBG, Agency and City agreed to release from the Original CB-3 Project Lease that portion of the Convention Center Rooftop Surface to be developed by Agency and YBG (collectively, **"Agency's Developable Parcels"**). The parties effected this release under the First Amendment to Project Lease, dated July 1, 1985. After this amendment, all the CB-3 Property below the Convention Center Rooftop Surface, together with approximately 141,000 square feet of the Convention Center Rooftop Surface, remained subject to the Original CB-3 Project Lease. Concurrently with the release of Agency's Developable Parcels from the Original CB-3 Project Lease, Agency leased the Developable Parcels to City pursuant to the CB-3 Surface Lease, dated as of July 1, 1985 (the **"Original CB-3 Surface Lease"**).

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G. In or about 1988, City proposed to develop a certain portion of the Convention Center Rooftop Surface above grade. To accommodate the construction and financing of the proposed development, City desired to lease the surface and air rights of such area under a separate financing lease agreement, which in turn required an amendment to the Original CB-3 Project Lease and the CB-3 Surface Lease. Accordingly, City and Agency entered into the Second Amendment to Project Lease, dated as of March 1, 1988, in which the parties agreed to remove the remaining portion of the Convention Center Rooftop Surface from the Original CB-3 Project Lease. (The Original CB-3 Project Lease together with the amendments thereto shall hereinafter be referred to as the **"CB-3 Project Lease."**) In addition, at the same time City and Agency entered into the First Amendment to CB-3 Surface Lease, dated as of March 1, 1988, in which the parties agreed to (i) add to Agency's Developable Parcels a certain portion of the Convention Center Roof Surface released under the Second Amendment to Project Lease and (ii) release a certain portion of the Agency's Developable Parcels from the Original CB-3 Surface Lease. (The Original CB-3 Surface Lease together with all the amendments thereto shall hereinafter be referred to as the **"CB-3 Surface Lease."**). By Quitclaim Deed from City to Agency dated July 12, 1988, City quitclaimed to Agency its rights, title and interest in, among certain areas, a certain subsurface area of Third Street adjacent to the CB-3 Property and a certain described tunnel area adjacent to the CB-3 Property,

reserving to City certain easements and rights of support and use for streets, sidewalks and other improvements. City and Agency subsequently entered into an Amended and Restated Project Lease, dated April 1, 1991; and City and Agency entered into an Amended and Restated Project Lease, dated December 1, 1994. (The Original CB-3 Project Lease together with the amendment thereto shall hereinafter be referred to as the **"CB-3 Project Lease"**).

H. Simultaneously with the foregoing two amendments, Agency and City entered into the 1988 Project Lease, dated as of March 1, 1988, as amended and restated in 1992, (the **"1988 Project Lease"**), under which Agency agreed to lease to City all the Convention Center Rooftop Surface that was released under the Second Amendment to Project Lease and the First Amendment to CB-3 Surface Lease (the portion of such leased premises are more particularly described in Exhibit C attached hereto and shall hereinafter be referred to as **"City's Rooftop Surface"**). Pursuant to the 1988 Project Lease, City constructed on the City's Rooftop Surface certain meeting rooms and other improvements (the **"City's Improvements"**).

I. On February 3, 1992, YBG quitclaimed all its right, title and interest in the Convention Center Rooftop Surface to Agency under a Partnership Quitclaim Deed dated February 3, 1992. Consequently, YBG has no further rights to sublease from Agency and develop any portion of the Convention Center Rooftop Surface under the Agreement to Lease or any documents contemplated thereby.

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J. Agency now desires to enter into the Agency Lease on file with the Clerk of the Board of Supervisors with the City for the lease of a certain portion of the remaining undeveloped area of the Convention Center Rooftop Surface as more particularly described on Exhibit D attached to the Agency Lease (which, together with all easements appurtenant thereto granted pursuant to the Easement Agreement, shall hereinafter be referred to as the **"Leased Rooftop Surface"**), for the purpose of developing certain above grade community facilities and other improvements (the **"Agency's Improvements"**).

K. Concurrently, with the execution and delivery of the Agency Lease, the parties desire to enter into an Amendment to the 1988 Reciprocal Easement Agreement in the form on file with the Clerk of the Board of Supervisors (the **"Easement Agreement"**), which provides for certain reciprocal easements necessary or appropriate for the operation, maintenance and repair of Agency's Improvements and the Leased Rooftop Surface and City's Improvements and the Facilities.

L. Concurrently with the execution and delivery of the Agency Lease, Agency and City desire to enter into a Coordination Agreement in the form on file with the Clerk of the Board of Supervisors (the **"Coordination Agreement"**), which provides for the coordination by the parties of Agency's use of Leased Rooftop Surface and Agency's Improvements thereon and City's use of City's Improvements and the Facilities. (The Agency Lease, the Easement

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Agreement and the Coordination Agreement are sometimes collectively referred to below as the "**Development Documents.**")

M. On October 13, 1994 the City Planning Commission adopted finding of Master Plan consistency. This Board of Supervisors, on November 14, 1994, by Resolution No. 999-94 adopted findings and a statement of overriding consideration, pursuant to the California Environmental Quality Act, for the amendment to the Redevelopment Plan for Yerba Buena Gardens. The findings were based on the Final Subsequent Environmental Impact Report 91.355E (FSEIR) certified by the Redevelopment Agency and the City Planning Commission. This Board adopted Resolution No. 621-96 reaffirming adoption of findings and overriding consideration in connection with the proposed approval of the Agency Lease.

Section 2. Agency Lease. The form of Agency Lease, between the City and the Agency, a copy of which is on file with the Clerk of the Board of Supervisors, is hereby approved. The Mayor, Chief Administrative Officer, and the Director of Property are hereby authorized to execute the Agency Lease, in substantially the form presented to the Board of Supervisors, with such modifications, changes or additions as the Mayor of the City may make or approve upon consultation with the City Attorney, such approval to be conclusively evidenced by the execution and delivery of the Agency Lease.

Section 3. Coordination Agreement. The form of Coordination Agreement, a copy of which is on file with the Clerk of the Board

of Supervisors, is hereby approved. The Chief Administrative Officer, the Director of Property and the Director of Convention Facilities of the City are hereby authorized and directed to deliver said Coordination Agreement, in substantially the form presented to the Board of Supervisors, with such modifications, changes or additions as the Chief Administrative Officer of the City may make or approve upon consultation with the City Attorney, such approval to be conclusively evidenced by the execution and delivery of the Coordination Agreement.

Section 4. Reciprocal Easement Agreement. The form of the Amendment to the 1988 Reciprocal Easement Agreement ("**Easement Agreement**"), by the City and the Agency, a copy of which is on file with the Clerk of the Board of Supervisors, is hereby approved. The Chief Administrative Officer, the Director of Property and the Director of Convention Facilities of the City are hereby authorized to execute the Easement Agreement, in substantially the form presented to the Board of Supervisors, with such modifications, changes or additions as the Chief Administrative Officer of the City may make or approve upon consultation with the City Attorney, such approval to be conclusively evidenced by the execution and delivery of the Easement Agreement.

Section 5. General Authority. The Mayor, the Chief Administrative Officer, the Director of Property, and the Director of Convention Facilities of the City are hereby authorized, jointly and severally, to do any and all things and to execute and deliver

any and all documents, or to make any necessary modifications thereto, which are acceptable to the Mayor, Chief Administrative Officer of the City, and the City Attorney and which they deem necessary or advisable in order to consummate the execution and delivery of the Agency Lease, the Coordination Agreement and the Easement Agreement and to carry out the purposes of this Resolution.

Section 6. Ratification. All actions previously taken by the officials, employees and agents of the City with respect to the Development Documents are hereby approved, confirmed and ratified.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: _____
Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
July 1, 1996	$	July 8, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki	$	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Teng Yaki
Absent: Supervisor Teng	$	Absent: Supervisor Katz

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No.
65-96-8.1

JUL 12 1996
Date Approved

_____
Mayor

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JUL 25 1996

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Amendment of the Whole
Committee 6/25/96

FILE NO. 97-96-19.2

ORIGINAL
When Stamped In Red

ORDINANCE NO. 287-96

[Chief Administrative Officer]

AMENDING THE SAN FRANCISCO ADMINISTRATIVE CODE BY AMENDING SECTIONS 16.4, 16.6-23, 16.6-48, 16.9-24, 16.93-3, 16.113, 16.121-2, 16.121-4, 16.121-5, 16.402, 20.46, 21.2, 21.5, 21.6, 21.8, 21.11, 21.13-1, 21.15, 21.17, 21.18, 21.22, 21.25, 21.28, 21.34, 21.39, 21.46, 21.53, 21A.2, 21A.3, 22.2, 22.4, 22B.2, 23.10, 33.2, 33.10, 51.03, 51.04, 54.2, 54.4, 56.17, 57.5, 58.6, 66.6, 66A.2, 66A.14, 66A.26, 66A.27, 66A.28, 67.4, 67.29, 67.30 AND 67.31 THEREOF, RELATING TO THE FUNCTIONS AND DUTIES OF THE CHIEF ADMINISTRATIVE OFFICER, TO CONFORM TO THE PROVISIONS OF THE CHARTER OF 1996; AND REPEALING SECTIONS 16.6-50, 16.6-52, 16.96, 16.143, 21.18-1, AND 21.18-2.

Note: Additions or substitutions are indicated by underlining; deletions are indicated by ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

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File No. 97-96-19.2 Ordinance No. 287-96

ERRATA

To correct Page 19, Line 3, after the word "be" by adding, ""best served" to read "provided, that if the Purchaser believes that the public interst would be best served by accepting".

To correct Page 38, Line 21, after the words "He or she" by adding, "shall" to read "(a) He or she shall have charge of the installation, repair, maintenance and inspection".

To correct Page 58, Line 13, by replacing "Clerk of the Board of Supervisors" with "Ethics Commission".

To correct Page 58, Line 17, by replacing "Clerk" with "Ethics Commission".

John L. Taylor
Clerk of the Board
April 23, 1997

Section 1. Chapter 16 of the San Francisco Administrative Code is hereby amended, by amending Section 16.4 thereof, to read as follows:

SEC. 16.4. SATURDAY CLOSING OF CITY OFFICES.

The offices of the City and County named in this Section shall be closed on Saturday of each week during the year, with the exceptions and qualifications herein indicated:

Administrative Services.

Airport (general office only).

Art Commission.

Art Museum.

Assessor.

((Chief Administrative Officer.))

City Administrator.

City Attorney.

City Planning Commission.

Civil Service Commission.

Controller.

County Clerk.

Disaster Council and Disaster Corps.

District Attorney (Juvenile Court offices only)

Education, Board of (offices County Board of Education and County Superintendent of Schools).

Electricity, Department of, except Fire Alarm Office.

Finance and Records, Director of.

Fire Department (general office only).

Hetch Hetchy Project.

Mayor.

Municipal Government Survey Advisory Committee.

Municipal Railway (general offices only).

Parking Authority, upon the approval of such authority.

Permit Appeals, Board of.

Public Administrator.

Public Health Department (central office only).

Public Utilities Commission, Bureau of Personnel and Safety.

Public Utilities Commission, Bureau of Public Service and Employees' Relations.

Public Utilities Commission (general office).

Public Utilities Commission, Light, Heat and Power Bureau.

Publics Works Department.

Purchasing Department.

Real Estate Department, except Civic Auditorium.

Recorder.

Recreation and Park Department, except Kezar Stadium and Pavilion.

Redevelopment Agency, upon the approval of such agency.

Registrar of Voters.

Retirement System.

Sheriff (Civil Department only).

Social Services Department.

Supervisors, Board of.

Tax Collector.

Treasurer.

War Memorial.

Water Department.

Weights and Measures, Department of.

If the head of any office set forth in this Section determines that the opening of the office is necessary on any certain Saturday morning for the performance of essential public services, such head person may apply to the Board of Supervisors, and on its prior approval by resolution, may direct that such office remain open with only such personnel present as he or she may deem necessary.

Section 2. Chapter 16 of the San Francisco Administrative Code is hereby amended, by amending Section 16.6-23 thereof, to read as follows:

SEC. 16.6-23. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — MAYOR ((CHIEF ADMINISTRATIVE OFFICER)).

Association of Bay Area Governments.

County Administrative Officers Association of California.

International City Management Association.

League of California Cities.

National League of Cities.

Section 3. Chapter 16 of the San Francisco Administrative Code is hereby amended, by amending Section 16.6-48 thereof, to read as follows:

SEC. 16.6-48. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — ANNUAL DUES AND EXPENSES OF MEMBERSHIP; ATTENDING MEETINGS OR CONVENTIONS.

The annual dues and expenses of said memberships, and the costs of attendance at meetings of said organizations, shall be allowed and paid only when funds have been specifically appropriated for such purposes; provided, that the Board of Supervisors, by resolution certified by the Controller as to funds available, may authorize such attendance together with allowance and payment of costs thereof; and, provided further that the Mayor or the Mayor's designee ((Chief Administrative Officer)) may authorize attendance at meetings in California when funds are certified by the Controller as being legally available for such purposes within the publicity and advertising fund.

Section 4. Chapter 16, Section 16.6-50 of the San Francisco Administrative Code is hereby repealed.

((SEC. 16.6-50. MEMBER OF BOARD OF SUPERVISORS SERVING ON INTERGOVERNMENTAL BODY — ASSIGNMENT OF DEPARTMENT OF PUBLIC WORKS EMPLOYEES TO ATTEND CONFERENCES, WORKSHOPS AND TRAINING COURSES.

The Chief Administrative Officer of the City and County of San Francisco, on the recommendation of the Director of the Public Works, is authorized to assign employees of the Department of Public Works to attend conferences, workshops and training courses sponsored by any university or college located within the State of California, or any conference sponsored by the Governor of the State of California or the President of the United States or the Institute of Traffic Engineers. The Controller of the City and County of San Francisco is hereby authorized to reimburse employees for expenses incurred while attending such conferences, training courses or workshops, provided funds have been appropriated for such purpose.))

Section 5. Chapter 16, Section 16.5-52 of the San Francisco Administrative Code is hereby repealed.

((SEC. 16.6-52. TRAINING IN ELECTRONIC DATA PROCESSING.

The Board of Supervisors finds and determines that it is for the interest and benefit of the City and County of San Francisco that members of departments performing data

processing or related work be assigned to attend certain academies, universities and schools for training in electronic data processing.

When funds are appropriated for the purpose the department head with the approval of the Chief Administrative Officer, board or commission and the Controller may designate members of the department staff experienced in data processing or related work to attend academies, universities and schools where training in electronic data processing is given and to receive such training.))

Section 6. Chapter 16 of the San Francisco Administrative Code is hereby amended, by amending Section 16.9-24 thereof, to read as follows:

SEC. 16.9-24. PREPARATION AND IMPLEMENTATION OF OFFICE, BOARD AND DEPARTMENT AFFIRMATIVE ACTION PLANS IN COORDINATION WITH THE CIVIL SERVICE COMMISSION IN COMPLIANCE WITH RELEVANT FEDERAL, STATE AND LOCAL LAW AND GUIDELINES.

Each board or commission, each elective officer in charge of an administrative office, the Controller, the Mayor ((Chief Administrative Officer)), and each department head appointed by the Mayor ((Chief Administrative Officer)) shall be responsible for the preparation and implementation of an affirmative action plan in order to provide equal employment opportunities to all persons. Each such plan shall address all employment-related subjects the control of which is vested by the Charter in the board, commission, officer or department. Such subjects shall include, but not be limited to, the following:

(a) Policy statements;

(b) Designation of affirmative action responsibilities within the office, board or department, and establishment of a mechanism to evaluate the specific plan adopted;

(c) Analysis of workforce utilization in each job category by race or national origin, sex, age and salary;

(d) Specific affirmative action steps to be undertaken within stated timetables to ensure nondiscriminatory personnel relations to each race or national origin group and each sex, as determined by the availability of qualified representatives thereof in the community; and

(e) The method of dissemination of the affirmative action plan.

All such plans shall be prepared in consultation with the Civil Service Commission, the Human Rights Commission and the Commission on the Status of Women in order to provide technical assistance and recommendations on effective steps to achieve equal employment opportunity. Prior to adoption, the Civil Service Commission, the Human Rights Commission and the Commission on the Status of Women shall also approve each affirmative action plan in cooperation with the City Attorney to ensure that compliance is made with all relevant Federal, State and local equal opportunity laws or regulations. Should the Civil Service Commission, the Human Rights Commission or the Commission on the Status of Women find any such plan not in compliance with the above, it shall immediately so report to the Mayor's Office and the Board of Supervisors. In the event the Civil Service Commission, the Human Rights Commission and/or the Commission on the Status of Women disagree, the matter shall be submitted to the

Mayor's Office for resolution. All such plans shall, upon adoption, be filed with the Civil Service Commission, the Human Rights Commission and the Commission on the Status of Women for public or other inspection.

In order to facilitate the development of information necessary to the formulation of such plans, the Controller is directed to make appropriate data processing facilities available and to process annual workforce utilization plans as required by this Section, the California Fair Employment Practices Commission, the Equal Employment Opportunity Commission, the Human Rights Commission, the Commission on the Status of Women or any other regulatory agency charged with reviews of nondiscrimination provisions of local, State or Federal law.

All such plans shall be periodically reviewed, amended and updated as appropriate on at least an annual basis. An annual report on the performance and progress of such plans shall be prepared and submitted to the Mayor and Board of Supervisors by the Civil Service Commission in cooperation with the Human Rights Commission and the Commission o the Status of Women by the first day of March of each year during the annual budget process.

Section 7. Chapter 16 of the San Francisco Administrative Code is hereby amended, by amending Section 16.93-3 thereof, to read as follows:

SEC. 16.93-3. DUTIES OF THE MAYOR, THE CONTROLLER AND THE <u>DIRECTOR OF ADMINISTRATIVE SERVICES</u> ((CHIEF ADMINISTRATIVE OFFICER)).

(a) The Mayor shall designate the City's Annual Drive Chair. The Chair will be responsible for providing staff support for the Annual Drive that occurs during the Chair's tenure.

(b) The Controller of the City and County of San Francisco shall provide the technical support necessary for the collection and donor designation process.

(c) The Director of Administrative Services ((Chief Administrative Officer)) of the City and County of San Francisco shall review all applications to participate in the Annual Drives of the City and recommend to the Board of Supervisors whether applicants qualify to participate in the Annual Drive.

Section 8. Chapter 16, Section 16.96 of the San Francisco Administrative Code is hereby repealed.

((SEC. 16.96. METHOD OF FIXING RATE OF TRAVEL ALLOWANCE.

Travel allowance shall be allowed at rates recommended by the department head, Chief Administrative Officer, board or commission concerned and approved by the Board of Supervisors at the time appropriations are made therefor.))

Section 9. Chapter 16 of the San Francisco Administrative Code is hereby amended, by amending Section 16.113 thereof, to read as follows:

SEC. 16.113. CENTRAL SUGGESTION COMMITTEE; MEMBERS; DUTIES; STAFF SUPPORT; MEETINGS; AND DEPARTMENT COMMENDATIONS.

(a) **Central Suggestion Committee.** A three-member Central Suggestion Committee is hereby created.

(b) **Members.** The President of the Board of Supervisors, the Mayor and the Director of Administrative Services ((Chief Administrative Officer)) shall each designate one person and one alternate to serve on the Central Suggestion Committee. A member of the Committee shall serve for a term of two years and shall hold office until a successor has been appointed.

(c) **Duties.** The Central Suggestion Committee shall:

(1) Review and approve or disapprove the Department Head's recommendation regarding a commendation or award, including the amount thereof;

(2) Review requests for reconsideration of suggestions and recommend action thereon to the Department Head;

(3) Review suggestions submitted directly to the Central Suggestion Committee and approve or disapprove them for commendations;

(4) Investigate complaints regarding the Employee Suggestion Program; and

(5) Review operation of the Employee Suggestion Program in each department.

In carrying out its functions, the Central Suggestion Committee shall consult with other employees and outside experts as it deems necessary.

(d) **Staff Support.** Responsibility for providing staff support to coordinate operation of Central Suggestion Committee shall be rotated among the Committee members.

(e) **Meetings.** The Central Suggestion Committee shall meet quarterly to act on the recommendations for commendations and awards made by Department Heads in the preceding quarter.

(f) **Department Commendations.** No later than January 31st of each year the Central Suggestion Committee shall recommend public commendations for those departments which have implemented the most successful Employee Suggestion Programs.

Section 10. Chapter 16 of the San Francisco Administrative Code is hereby amended, by amending Section 16.121-2 thereof, to read as follows:

SEC. 16.121-2. CENTRAL SAFETY COMMITTEE; MEMBERS; PROCEDURE.

A Central Safety Committee is hereby established consisting of the Director of Administrative Services ((Chief Administrative Officer)), who shall be chair, the Chief of Police, the Chief of the Fire Department, the General Manager of the Park and Recreation Department, the Manager of Utilities, the General Manager, Personnel, the President of the Retirement Board, and the County Superintendent of Schools. It shall be the duty of each of these designated officers to serve on the Central Safety Committee, except that any member of the committee may deputize in writing filed with the committee any member of his office or department to serve in his place on the committee for such period or in such meeting as he may desire. The committee shall be in the office of the Director of Administrative Services ((Chief Administrative Officer)) and shall meet in his or

her office. Neither the members of the committee nor the members of their offices or departments deputized to serve in their places at any time shall receive any compensation as such members or acting members for their services on the committee.

Section 11. Chapter 16 of the San Francisco Administrative Code is hereby amended, by amending Section 16.121-4 thereof, to read as follows:

SEC. 16.121-4. DIRECTOR OF ADMINISTRATIVE SERVICES ((CHIEF ADMINISTRATIVE OFFICER)); POWERS AND DUTIES.

The Director of Administrative Services ((Chief Administrative Officer)) shall act as coordinator of the Accident Prevention Program under the direction of the Central Safety Committee.

Section 12. Chapter 16 of the San Francisco Administrative Code is hereby amended, by amending Section 16.121-5 thereof, to read as follows:

SEC. 16.121-5. POWERS OF CITY AND COUNTY OFFICERS NOT DIVESTED.

No provision of this Article shall be deemed or construed to grant any authority to, or impose any duty upon, the Central Safety Committee or the Director of Administrative Services ((Chief Administrative Officer)) which is vested or imposed by general law or the Charter of the City and County of San Francisco in or on any other officer, board, commission, department, or employee of the City and County.

Section 13. Chapter 16, Section 16.143 of the San Francisco Administrative Code is hereby repealed.

((SEC. 16.143. RULES AND REGULATIONS.

The Purchaser of Supplies shall establish rules and regulations as to procedure and shall prescribe forms to be used by officers, boards and commissions of the City and County in requisitioning bonds. Such rules, regulations and forms shall be subject to the approval of the Chief Administrative Officer.))

Section 14. Chapter 16 of the San Francisco Administrative Code is hereby amended, by amending Section 16.402 thereof, to read as follows:

SEC. 16.402. PROHIBITING USE OR ATTEMPTED USE OF OFFICIAL AUTHORITY OR INFLUENCE TO INTERFERE WITH DISCLOSURE OF INFORMATION; CIVIL DAMAGES; DISCIPLINARY ACTION.

(a) An officer or employee may not directly or indirectly use or attempt to use the official authority or influence of the officer or employee for the purpose of intimidating, threatening, coercing, commanding, or attempting to intimidate, threaten, coerce, or command any person for the purpose of interfering with the right of that person to disclose to the IGA unit matters within the scope of this Section.

(b) For the purpose of Subdivision (a), "use of official authority or influence" includes promising to confer or not to confer, or conferring or not conferring, any benefit; effecting, or threatening to effect, any reprisal; or taking, or directing others to take; or recommending, or approving any personnel action, including, but not limited to,

appointment, promotion, transfer, assignment, performance evaluation, suspension, or other disciplinary action solely for the purpose of violating Subdivision (a).

(c) Any person who intentionally engages in an act or acts of reprisal, retaliation, intimidation, threats, coercion or similar acts against a City employee or applicant for City employment for having disclosed improper government activities, may be liable personally in a judicial action brought by the offended party for civil damages not to exceed $5,000.

(d) Any City official or employee who intentionally engages in an act or acts of reprisal, retaliation, intimidation, threats, coercion or similar acts against a City employee or applicant for City employment for having disclosed improper government activities shall be subject to disciplinary action up to or including dismissal in accordance with applicable provisions of the Charter. If no action is taken by the appointing officer, the IGA unit may refer the matter to the Civil Service Commission for action pursuant to its powers under Charter Section 8.341.

(e) Nothing in this Section is intended to interfere with the Charter-designated powers of appointing officers and the Civil Service Commission. ((In addition, nothing in this Section shall be deemed to authorize interference by the Mayor in administrative affairs under the control of the Chief Administrative Officer or other elected officers, boards or commissions in violation of Charter Section 3.101.))

(f) This Section shall not be construed to limit in any way the power of an appointing officer, manager, or supervisor to take adverse action with respect to any City employee, provided that the appointing officer, manager or supervisor reasonably

believes that such action is justified on facts separate and apart from the disclosure of improper government activities.

Section 15. Chapter 20 of the San Francisco Administrative Code is hereby amended, by amending Section 20.46 thereof, to read as follows:

SEC. 20.46. AGREEMENTS WITH STATE.

The Director of Public Health ((, with the approval of the Chief Administrative Officer,)) may enter into agreements with the state, or any of its agencies, in order to carry into effect the intent and purpose of this Article.

Section 16. Chapter 21 of the San Francisco Administrative Code is hereby amended, by amending Section 21.2 thereof, to read as follows:

SEC. 21.2. PURCHASER TO MAKE PURCHASES UPON REQUISITION; EXCEPTION AS TO CERTAIN PURCHASES BY DEPARTMENT HEAD.

All departments shall file estimates of materials, supplies, equipment and contractual services at such time and in such manner as shall be determined upon by the Purchaser. All purchases shall be made by the Purchaser on requisition of the departments desiring the same, except that for materials, supplies, equipment and contractual services in common use by more than one department, or used in large quantities by a department, the Purchaser may purchase for stock on the basis of the

total of such requisitions or estimates previously filed when approved by the Director of Administrative Services ((Chief Administrative Officer)).

Whenever, pursuant to the provisions of Section 7.100 of the Charter, a department head recommends and the Purchaser approves a purchase to be made directly by the department head, the purchase shall be made by the department head in the same manner and subject to the same conditions as is herein provided for purchases made by the Purchaser, and also under such regulations as may be prescribed by the Purchaser.

Section 17. Chapter 21 of the San Francisco Administrative Code is hereby amended, by amending Section 21.5 thereof, to read as follows:

SEC. 21.5. PURCHASES UPON QUOTATIONS OF FIFTY THOUSAND DOLLARS OR LESS.

When the purchase involved does not exceed $50,000, the Purchaser shall base his or her award of an order to a vendor on at least three quotations. He or she shall keep a record of such quotations and a register of all awards made thereunder. In the event that it is not possible to obtain three quotations, he or she shall base his or her award on the quotation or quotations received. If the Purchaser believes that the public interest would best be served by accepting other than the lowest quotation, he or she shall have and is hereby given authority, subject to the approval of the Director of Administrative

Services ((Chief Administrative Officer)), to accept the quotation that in his or her opinion will best serve the public interest, except as otherwise provided in this Chapter.

Within one year after award referred in this Section Purchaser may, by mutual agreement with the successful bidder, purchase additional quantities from said successful bidder and at the award price of the specific article for which award was made. Any such additional purchases shall not exceed by more than 20 percent the original purchase quantity.

The Purchaser, with the approval of the Director of Administrative Services ((Chief Administrative Officer)), may reject any and all quotations and request new quotations.

Section 18. Chapter 21 of the San Francisco Administrative Code is hereby amended, by amending Section 21.6 thereof, to read as follows:

SEC. 21.6. BIDDING REQUIRED FOR PURCHASES EXCEEDING FIFTY THOUSAND DOLLARS; FORM OF PROPOSALS; OPENING OF PROPOSALS.

In any case when the expenditure for the purchase of materials, supplies, equipment or contractual services shall, as estimated by the Purchaser, exceed $50,000, proposals shall be sealed and directed to the Purchaser.

All proposals received shall be opened by the Purchaser, at the time and place stated in the advertisement for proposals, in the presence of all bidders who attend. Bidders may inspect the proposals after tabulation.

The Purchaser shall award a contract to the lowest reliable and responsible bidder not less than 10 days after completion of advertising for proposals as herein provided; provided, that if the Purchaser believes that the public interest would be best served by accepting other than the lowest gross price or unit cost proposal, he or she shall have and he or she is hereby given the authority to accept the proposal that in his or her opinion will best serve the public interest, to make awards and to enter into the necessary contracts. He or she shall forthwith make a written report to the Director of Administrative Services ((Chief Administrative Officer)), the Mayor and the Controller, with the reasons for not accepting the lowest proposal and for making such contract. Notice of all awards made pursuant to the provisions of this Section shall be published.

Within one year after such award of contract, Purchaser may, by mutual agreement with the contractor, purchase additional quantities from said contractor at the award price of the specific articles for which ward was made. Any such additional purchase shall not exceed by more than 20 percent the original purchase in quantity.

Section 19. Chapter 21 of the San Francisco Administrative Code is hereby amended, by amending Section 21.8 thereof, to read as follows:

SEC. 21.8. REJECTION AND READVERTISING FOR PROPOSALS.

The Purchaser, with the approval of the Director of Administrative Services ((Chief Administrative Officer)), may reject any and all proposals and readvertise for proposals.

be paid not less than the highest general prevailing rate of wages, including fringe benefits or the matching equivalents thereof, paid in private employment for similar work in the area in which the contract is being performed, as determined by the Civil Service Commission; provided, however if such a provision is to be included in the contract the notice inviting sealed proposals under Section 21.6 of this Code must call attention of bidders to the requirements of said provision.

Section 22. Chapter 21 of the San Francisco Administrative Code is hereby amended, by amending Section 21.15 thereof, to read as follows:

SEC. 21.15. DEPOSIT OR BOND FOR PROPOSALS OR QUOTATIONS.

A proposal or a quotation shall, if required in bid conditions by Purchaser, be accompanied by a deposit in the form of a certified or cashier's check on a solvent bank or money order, payable on sight to the City and County in the amount fixed by the Purchaser, which amount shall not exceed 10 percent of the estimated cost of the materials, supplies, equipment or contractual services to be furnished; provided, that any regular or continual bidder may, in lieu of the deposit above mentioned, file a corporate surety bond in an amount to be fixed by the Director of Administrative Services ((Chief Administrative Officer)) and the Controller to serve as surety for a period of at least one year that the bidder will, during the period, furnish any required performance bond for any and all contracts awarded to him or her on the basis of proposals or quotations filed by him or her, with provision for forfeiture under the surety bond in any case of failure,

Section 20. Chapter 21 of the San Francisco Administrative Code is hereby amended, by amending Section 21.11 thereof, to read as follows:

SEC. 21.11. DESIGNATION OF PERSONS TO SIGN CONTRACTS.

The Purchaser shall have the power to sign any contract when the estimated expenditure thereunder is not in excess of $50,000. Any contract involving the expenditure of over $50,000 shall require the joint approval of the Purchaser and the Director of Administrative Services ((Chief Administrative Officer)).

Section 21. Chapter 21 of the San Francisco Administrative Code is hereby amended, by amending Section 21.13-1 thereof, to read as follows:

SEC. 21.13-1. PAYMENT OF HIGHEST GENERAL PREVAILING RATE OF WAGES MAY BE REQUIRED IN CERTAIN CONTRACTS FOR CONTRACTUAL SERVICES.

In the case of any contract for contractual services wherein motor bus service is to be rendered to the general public on any facility owned by the City and County of San Francisco or in the case of any contract for the transportation within the boundaries of the City and County of San Francisco of any materials, supplies and equipment owned or in the possession of the City and County, the Purchaser, on recommendation of the department head concerned and approval of the Mayor or the Mayor's designee ((Chief Administrative Officer)) or the board or commission in charge of such department upon the ground that the public interest would be best served by requiring the inclusion of such a provision in the contract, may require that any person performing labor thereunder shall

neglect or refusal to do so. The amount of the deposit shall be stated in the advertisement for proposals.

Section 23. Chapter 21 of the San Francisco Administrative Code is hereby amended, by amending Section 21.17 thereof, to read as follows:

SEC. 21.17. PROCEDURE UPON FAILURE TO FILE REQUIRED BOND.

If any bidder to whom the contract is awarded under the provisions of this chapter shall fail to file any required performance bond within 10 days after receiving notice to file such bond, the Purchaser shall deposit any deposit required to be filed under the provisions of Section 21.15 of this Code in the treasury for collection. The amount thereof shall be retained by the City and County as liquidated damages for failure of the bidder to file such bond. Neither the deposit nor the proceeds thereof shall be returned to such defaulting bidder. If the bidder's obligation to furnish any required bond is evidenced by a continuing bond, as provided for in Section 21.15 of this Code, the Purchaser shall determine the amount of forfeiture thereunder, which shall be not less than the amount of the deposit specified in the quotation or proposal; provided, however, that upon the recommendation of the Purchaser, together with the approval of the Director of Administrative Services ((Chief Administrative Officer)), the Board of Supervisors, by resolution, may approve the return of the amount of such deposit or excuse a forfeiture under such continuing bond.

Demand upon a bidder to file a performance bond, as hereinbefore set forth, may, at the option of the Purchaser, be made by mail, by depositing such notice or demand in the United States mail, in a sealed envelope, with postage prepaid, addressed to the bidder on whom it is to be served, at his or her mailing address as set forth by the bidder in the bid. The service is complete at the time of the deposit, and the 10-day period shall commence on the first day following such deposit in the mail.

The Purchaser, with the approval of the Director of Administrative Services ((Chief Administrative Officer)), shall have, and he or she is hereby given authority to extend the period for the deposit of any required bond, whenever in the Purchaser's judgment, circumstances warrant an extension.

In all cases of forfeiture, hereunder, the amount of the forfeiture after collection by the City and County shall be entered as a credit to the General Fund.

Section 24. Chapter 21 of the San Francisco Administrative Code is hereby amended, by amending Section 21.18 thereof, to read as follows:

SEC. 21.18. OTHER PURCHASES.

Notwithstanding any other provision of this Code, procurement of the following shall be made in accordance with written rules and regulations established by the Purchaser and approved by the Director of Administrative Services ((Chief Administrative Officer)) and the Controller:

(a) Materials, supplies, equipment and contractual services where the total amount of the purchase does not exceed $5,000.

(b) Fresh fruits and vegetables, meats and meat products and perishable foods;

(c) Articles or services for which there is only one known source of supply.

(d) Patented or proprietary articles.

(e) Professional or special services.

Section 25. Chapter 21, Section 21.18-1 of the San Francisco Administrative Code is hereby repealed.

((SEC. 21.18-1. PURCHASE, SALE AND LEASE OF DATA PROCESSING EQUIPMENT.

Notwithstanding any other provision of this Code, whenever the monthly rental payments for which the City and County of San Francisco is obligated may be reduced by the hereinafter authorized transactions, the Purchaser, with the approval of the Chief Administrative Officer, is authorized to enter into a purchase agreement to purchase data processing equipment then under lease to the City and County of San Francisco from the owner thereof; enter into an agreement to sell said equipment, and thereafter enter into an agreement for lease or lease-service of said equipment with the buyer thereof.))

Section 26. Chapter 21, Section 21.18-2 of the San Francisco Administrative Code is hereby repealed.

((SEC. 21.18-2. RENTAL OF TIME ON DATA PROCESSING EQUIPMENT.

The Purchaser, with the approval of the Chief Administrative Officer, and the recommendation of the Controller, is authorized to enter into agreements to rent computer time on City and County data processing equipment at rates established by the Purchaser and the Controller.))

Section 27. Chapter 21 of the San Francisco Administrative Code is hereby amended, by amending Section 21.22 thereof, to read as follows:

SEC. 21.22. ASSIGNMENT OF CONTRACTS.

No contract shall be assigned, except upon the approval of the Purchaser, the Director of Administrative Services ((Chief Administrative Officer)) and the City Attorney. The Purchaser shall forthwith notify, in writing, the Controller and department affected of such assignments.

Section 28. Chapter 21 of the San Francisco Administrative Code is hereby amended, by amending Section 21.25 thereof, to read as follows:

SEC. 21.25. EMERGENCY PROCUREMENT OF SUPPLIES, ETC. — GENERALLY.

The Board of Supervisors hereby declares that an actual emergency shall exist when it becomes necessary to immediately procure materials, supplies, equipment or contractual services to make repairs, to safeguard the lives or property of the citizens or the property of the City and County or to maintain public health or welfare, as a result of

extraordinary conditions created by war, epidemic, weather, fire, flood or other catastrophe, or the breakdown of any plant, equipment, structure, street or public work. Such procurement may be executed by the Purchaser, with the approval of the Director of Administrative Services ((Chief Administrative Officer)), in the most expeditious manner, and shall be confirmed forthwith by issuance of a regular purchase order. The Purchaser shall immediately notify the Controller of the estimated cost.

The Board of Supervisors hereby declares that an actual emergency shall exist during a period of material shortages created by war conditions, when goods meeting the exact specifications as ordered are not procurable. When such goods are immediately required, the Purchaser, with the approval of the Director of Administrative Services ((Chief Administrative Officer)), shall have authority to accept satisfactory substitutes and to make proper price adjustments therefor; provided, that if such price adjustment should increase the contractual obligation by more than 10 percent, the Purchaser shall first obtain approval by the Controller, who shall reserve the additional amount of money required to meet the increased obligation.

Section 29. Chapter 21 of the San Francisco Administrative Code is hereby amended, by amending Section 21.28 thereof, to read as follows:

SEC. 21.28. ESTABLISHMENT OF PURCHASER'S REVOLVING FUND.

There is hereby created and established in the treasury of the City and County a revolving fund to be known as the Purchaser's Revolving Fund. The fund shall consist of

such specific appropriations as the Board of Supervisors have heretofore made or may make or set aside from time to time for the use of the fund, and all other amounts as amended that may be made available for such fund as provided by law.

The Purchaser, with the approval of the Director of Administrative Services ((Chief Administrative Officer)) and the Controller, may maintain such amounts in cash and in banks and advance such amounts to departments not having revolving funds as may be necessary to facilitate petty purchase transactions and for the payment of small purchases and for which warrants may not be conveniently drawn on the Treasurer.

Section 30. Chapter 21 of the San Francisco Administrative Code is hereby amended, by amending Section 21.34 thereof, to read as follows:

SEC. 21.34. MAINTENANCE OF EQUIPMENT INVENTORIES ON PERPETUAL BASIS — CANCELLATION OF PURCHASE CONTRACTS.

In cases where he or she deems that it is in the best interests of the City and County to do so, the Purchaser, with the prior approval of the Mayor or the Mayor's designee ((Chief Administrative Officer)), the Controller, the head or heads of the department or departments concerned, and the Board of Supervisors, is authorized to cancel, by mutual agreement with the seller, a contract of purchase theretofore entered into by the Purchaser on behalf of the City and County. Where cancellation is instigated by the City and County for its sole benefit approval of the Mayor ((Chief Administrative Officer)) and the Board of Supervisors is not required.

Section 31. Chapter 21 of the San Francisco Administrative Code is hereby amended, by amending Section 21.39 thereof, to read as follows:

SEC. 21.39. MERCHANDISE PURCHASED BY THE SEALER OF WEIGHTS AND MEASURES.

Merchandise purchased by the Sealer of Weights and Measures in the course of official duties shall be delivered for use at public institutions of the City and County of San Francisco in accordance with procedures established by the Director of Administrative Services ((Chief Administrative Officer)).

Section 32. Chapter 21 of the San Francisco Administrative Code is hereby amended, by amending Section 21.46 thereof, to read as follows:

SEC. 21.46. PURCHASER MAY UTILIZE STATE DEPARTMENT OF GENERAL SERVICES.

Notwithstanding any other provisions of this Code, in cases where the Purchaser deems that it is in the best interests of the City and County to do so, the Purchaser, with the prior approval of the Director of Administrative Services ((Chief Administrative Officer)), is authorized to utilize the services of the State Department of General Services to make purchases of materials, equipment, or supplies.

Section 33. Chapter 21 of the San Francisco Administrative Code is hereby amended, by amending Section 21.53 thereof, to read as follows:

SEC. 21.53. AUTHORIZATION FOR PURCHASER TO ENTER INTO RECIPROCAL AGREEMENTS.

Notwithstanding any other provisions of Chapter 21 of this Code, in cases where the Purchaser deems that it is in the best interests of the City and County to do so, the Purchaser, with the prior approval of the Director of Administrative Services ((Chief Administrative Officer)), is authorized to enter into reciprocal and/or cooperative buying agreements with other public agencies within the State of California to make purchases of materials, equipment or supplies.

Section 34. Chapter 21A of the San Francisco Administrative Code is hereby amended, by amending Section 21A.2 thereof, to read as follows:

SEC. 21A.2. DEFINITIONS.

As used in this Chapter, the following words and phrases shall have the meanings indicated herein:

"Brown paper" shall mean paper, usually made from unbleached kraft pulp, that is commonly used for bags, sacks and wrapping paper.

"Building insulation" shall mean a material, including blanket, board, spray-in-place and loose-fill that are used as ceiling, floor, foundation and wall insulation, primarily designed to resist heat flow, which is installed between the conditioned volume of a building and adjacent unconditioned volumes or the outside.

"City" or "City and County" shall mean the City and County of San Francisco or any department, board, commission or agency thereof.

"City funds" shall mean all monies or other assets received and managed by, or are otherwise under the control of, the Treasurer, and any notes, bonds, securities, certificates of indebtedness or other fiscal obligations issued by the City and County.

"Contract" shall include, but not be limited to, any contract, purchase order, term purchase agreement, revolving fund order, or other binding written obligation of the City and County.

"Contract specifications" shall mean the set of specifications prepared for an individual construction project containing design, performance and material requirements for that project.

"Contracting officer" shall mean that officer or employee of the City and County authorized under the Charter, the Administrative Code or the Municipal Code, to enter into a contract on behalf of the City and County. "Contracting officer" shall include the Mayor, ((the Chief Administrative Officer,)) each department head or general manager and other employees of the City and County authorized to enter into contracts or other binding agreements on behalf of the City and County.

"Construction" shall mean any and all actions necessary and incidental to the building of new public works or improvements, or the replacement, expansion, remodeling, alteration, modernization, or extension of existing public facilities.

"Cotton fiber papers" or "rag paper" shall mean paper that contains a minimum of 25 percent or more cellulose fibers, also commonly called "rag" derived from lint cotton, cotton linters and cotton or linen cloth cuttings and that is commonly used for stationery, ledgers, maps and other specialty papers.

"Doilies" shall mean paper placemats used on food service trays in hospitals or other institutions.

"Engine lubricating oil" shall mean petroleum-based oils used for reducing friction in engine parts.

"Facial tissue" shall mean any of a group of soft, absorbent and sanitary papers.

"Gear oil" shall mean petroleum-based oils used for lubricating machinery gears.

"High-grade bleached papers" shall mean printing and writing papers made of pulp that has been treated with bleaching agents, including offset printing, mimeo and duplicator paper, writing stationery, note pads, paper for high-speed copiers, envelopes, form bond including computer and carbonless papers, book paper, bond paper, ledgers and cover stock.

"Hydraulic fluids" shall mean petroleum-based hydraulic fluids.

"Industrial wipes" shall mean paper towels especially made for industrial cleaning and wiping.

"Millbroke" shall mean any paper waste generated in a paper mill prior to completion of the papermaking process. It is usually returned directly to the pulping process. Millbroke is excluded from the definition of "recovered materials."

"Newsprint" shall mean paper made primarily from mechanical wood pulps combined with some chemical wood pulp and generally used in the publication of newspapers or special publications.

"Paper napkins" shall mean special tissues of any size, color or texture which are used during meals or with beverages.

"Paper towels" shall mean paper toweling in folded sheets, or in raw form, for use in drying or cleaning or where quick absorption is required.

"Paperboard" shall mean the broad category of paper that is heavier in basis weight and thicker (0.012 inch or more) than paper. Paperboard generally includes container-board used for corrugated boxes, boxboard used to make cartons, and all other paperboard.

"Post-consumer material" shall mean only those products generated by a business or consumer which have served their intended end uses, and which have been diverted from solid waste for the purposes of collection, recycling and disposition.

"Purchaser" shall mean the Purchaser of the City and County or any authorized representative of that official.

"Recovered materials" shall mean waste material and byproducts which have been recovered or diverted from solid waste, but such term does not include those materials and byproducts generated from, and commonly reused within, an original manufacturing process.

In the case of paper and paper products, "recovered material" shall include the following materials:

(1) Post-consumer material such as:

(a) Paper, paperboard and fibrous wastes from retail stores, office buildings, homes, and so forth, after they have passed through their end usage as a consumer item, including: Used corrugated boxes, old newspapers, old magazines, mixed waste paper, tabulating cards, and used cordage; and

(b) All paper, paperboard, and fibrous wastes that enter and are collected from municipal solid waste; and

(2) Preconsumer materials such as manufacturing, forest residues, and other wastes including:

(a) Dry paper and paperboard waste generated after completion of the papermaking process (that is, those manufacturing operations up to and including the cutting and trimming of the paper machine reel into smaller rolls or rough sheets) including: Envelope cuttings, bindery trimmings, and other paper and paperboard waste resulting from printing, cutting, forming, and other converting operations; bag, box and carton manufacturing wastes; and butt rolls, mill wrappers, and rejected unused stock; and

(b) Finished paper and paperboard from obsolete inventories of paper and paperboard manufacturers, merchants, wholesalers, dealers, printers, converters, or others;

(c) Fibrous byproducts of harvesting, manufacturing, extractive, or wood-cutting processes, flax, straw linters, bagasse, slash, and other forest residues;

(d) Wastes generated by the conversion of goods made from fibrous material (e.g., waste rope from cordage manufacture, textile mill waste, and cuttings); and

(e) Fibers recovered from wastewater that otherwise would enter the waste stream.

"Recyclable product" shall mean any product separated or capable of being separated at its point of discard or from the solid waste stream for utilization as a raw material in the manufacture of a new product.

"Recycle" or "recycling" shall mean the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste and/or hazardous waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace.

"Recycled paper" shall mean all paper or paper product that contains at least the following minimum percentages of recovered materials:

Paper Product	Percent Recovered
High-grade, bleached printing or writing (office) papers	50% waste paper of which 10% is post-consumer paper
Cotton-fiber papers	40% post-consumer
Newsprint	40% post-consumer

Tissue	
Toilet tissue	20% post-consumer
Paper towels	40% post-consumer
Paper napkins	30% post-consumer
Facial tissue	5% post-consumer
Doilies	40% post-consumer
Unbleached packing boxes	35% post-consumer
Brown paper	5% post-consumer
Recycled paperboard	80% post-consumer
Pad backing	90% post-consumer

"Re-refined oil" shall mean used oils from which the physical and chemical contaminants acquired through previous use have been removed through a refining process.

"Retread tire" shall mean a worn automobile, truck, or other motor vehicle tire whose tread has been replaced.

"Reuse" shall mean the secondary use of a product or its packaging in a way that conserves the product's inherent structure.

"Source reduction" shall mean discontinuing the use of unnecessary materials, rather than disposing of them into the waste stream and shall include (1) reduced resource use per unit of product, (2) increased product life, (3) product reuse and repair and (4) decreased consumption. "Source reduction" does not include steps taken after

the material becomes solid waste or actions which would impact air or water resources in lieu of land, including, but not limited to, transformation.

"Specifications" shall mean the clear and accurate written descriptions, drawings, prints, commercial designations, industry standards, and other descriptive references setting forth the technical requirements for materials, supplies, equipment, or services specifying the minimum requirement for quality and construction of materials, equipment and service necessary for an acceptable product.

"Tire" shall mean the following types of tires: Passenger car tires, light- and heavy-duty truck tires, high-speed industrial tires, bus tires, and special-service tires (including agricultural, off-road and slow-speed industrial).

"Tissue products" shall mean paper primarily used for its soft or absorbent properties, including toilet tissue, paper towels, paper napkins, facial tissue, doilies and industrial wipes.

"Toilet tissue" shall mean sanitary tissue paper, marketed either in rolls or in interleaved packages, and characterized by its softness, absorbency, cleanliness, adequate strength and easy disposability.

"Transformation" shall mean incineration, pyrolysis, distillation, gasification, or biological conversion other than composting. "Transformation" does not include composting.

"Waste paper" or "secondary waste material" shall mean any of the following "recovered materials":

(1) Post-consumer materials such as:

(a) Paper, paperboard, and fibrous wastes from retail stores, office buildings, homes, and so forth, after they have passed through their end usage as a consumer item, including: Used corrugated boxes, old newspapers, old magazines, mixed waste paper, tabulating cards, and used cordage; and

(b) All paper, paperboard, and fibrous wastes that enter and are collected from municipal solid waste: and

(2) Preconsumer materials including manufacturing, forest residues, and other wastes such as:

(a) Dry paper and paperboard waste generated after completion of the papermaking process (that is, those trimmings of the paper machine reel into smaller rolls or rough sheets) including: Envelope cuttings, bindery trimmings, and other paper and paperboard waste, resulting from printing, cutting, forming, and other converting operations; bag, box, and carton manufacturing wastes; and butt rolls, mill wrappers, and rejected unused stock; and

(b) Finished paper and paperboard from obsolete inventories of paper and paperboard manufacturers, merchants, wholesalers, dealers, printers, converters, or others.

"Unbleached papers" shall mean any papers made of pulp that has not been treated with bleaching agents.

Section 35. Chapter 21A of the San Francisco Administrative Code is hereby amended, by amending Section 21A.3 thereof, to read as follows:

SEC. 21A.3. IN-HOUSE WASTE REDUCTION.

It shall be the goal of all City departments to reduce the amount of waste generated and disposed of within their operations.

Every City department shall designate at least one person to work with the Director of Administrative Services' ((Chief Administrative Officer's)) Buy-Recycled and Source Reduction Committee to develop and implement programs to reduce the amount of waste disposed of by City government departments.

Section 36. Chapter 22 of the San Francisco Administrative Code is hereby amended, by amending Section 22.2 thereof, to read as follows:

SEC. 22.2. DUTIES OF CHIEF OF DEPARTMENT OF ELECTRICITY RELATIVE TO CHAPTER.

As a means of carrying out the policy defined in the preceding Section, the Chief of the Department of Electricity shall have the responsibility of performing and the authority to perform the following duties:

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(a) He or she shall have charge of the installation, repair, maintenance and inspection of all radio communication equipment owned and operated by the City and County or any department or agency thereof.

(b) He or she shall make recommendations for proposed radio systems and installations at the request of the Board of Supervisors or any City and County department.

(c) He or she shall function as technical advisor to all departments to the end that the operation and use of existing or proposed radio facilities operated by the various departments of the City and County shall be coordinated.

(d) He or she shall make certain that all City and County radio equipment is installed, maintained and operated in compliance with state and federal laws, rules and regulations pertaining thereto.

(e) He or she shall make such rules and regulations affecting operational procedure and conduct as are necessary to bring about conformity with Federal Communications Commission requirements and such rules and regulations shall be complied with by all departments.

(f) He or she shall provide adequate representation before the Federal Communications Commission in matters affecting the use of radio by the City and County or any City and County department. He or she shall be responsible for obtaining proper construction permits and licenses issued by the Federal Communications Commission and is hereby authorized to sign applications on behalf of the City and County for such permits and licenses.

(g) He or she shall advise and consult with the State Communications Advisory Board, making available to the various City and County departments the services rendered by such board.

(h) Upon the request of the Director of Telecommunications and Information Services ((Chief Administrative Officer)) or the Mayor, Board of Supervisors or Controller, through the Director of Telecommunications and Information Services ((Chief Administrative Officer)), he or she shall investigate proposed expenditures for radio communication facilities and report his or her findings and recommendations.

(i) Upon request of the Purchaser, he or she shall assist and advise the Purchaser of Supplies in his or her endeavors to standardize materials, supplies and equipment to be used for radio communications.

Section 37. Chapter 22 of the San Francisco Administrative Code is hereby amended, by amending Section 22.4 thereof, to read as follows:

SEC. 22.4. APPLICABILITY OF CHAPTER TO FACILITIES UNDER JURISDICTION OF PUBLIC UTILITIES COMMISSION.

The provisions of this Chapter shall not apply to radio communication facilities of any municipally owned utility under the jurisdiction of the Public Utilities Commission; however, upon request of the Public Utilities Commission, through the Director of Telecommunications and Information Services ((Chief Administrative Officer)), the Chief of the Department of Electricity is authorized to cooperate with and to render any or all

services provided in Section 22.2 of this Code to any utility owned and operated by the City and County.

Section 38. Chapter 22B of the San Francisco Administrative Code is hereby amended, by amending Section 22B.2 thereof, to read as follows:

SEC. 22B.2. DUTIES OF GENERAL MANAGER OF DEPARTMENT OF ELECTRICITY RELATIVE TO CHAPTER.

As a means of carrying out the policy defined in the preceding section, the General Manager of the Department of Electricity, hereinafter referred to as "General Manager," shall have the responsibility and authority to perform the following duties:

(a) General Manager shall have charge of the planning, design, coordination, installation, repair, maintenance, inspection of all telecommunications equipment, facilities and services owned, operated, or subscribed to, by the City and County or any department, board, commission, or agency thereof, pursuant to the budgetary provisions of the Charter. The General Manager will obtain concurrence of the appropriate MIS department when data facilities or services are involved;

(b) General Manager shall make recommendations for proposed telecommunications systems and services to the Electronic Information Processing Steering Committee (EIPSC) to meet its stated functional requirements for any City and County department, board or commission;

(c) General Manager shall function as technical advisor to all departments to the end that the operation and use of existing or proposed telecommunications equipment, facilities, and services used by the various departments, boards, and commissions of the City and County shall be coordinated;

(d) General Manager shall make certain that all City and County telecommunications equipment, facilities, and services are installed, maintained and operated in compliance with State, Federal and local laws, rules and regulations pertaining thereto;

(e) General Manager shall prescribe and promulgate such rules and regulations affecting telecommunications technical standards and operational procedures and conduct reasonably necessary to bring about conformity with Department of Electricity and EIPSC requirements for telecommunications and such rules and regulations shall be complied with by all departments, boards and commissions;

(f) General Manager shall provide adequate representation for the City and County of San Francisco before any regulatory body having jurisdiction over matters affecting the use of telecommunications by any City and County department, board, and commission. General Manager may delegate this responsibility, with the approval of the Director of Telecommunications and Information Services ((Chief Administrative Officer));

(g) General Manager shall advise and consult with the State Communications Advisory Board, making available to the various City and County departments, boards and commissions the services rendered by such board;

(h) Upon request of the Purchaser of Supplies, General Manager shall assist and advise the Purchaser with respect to the Purchaser's endeavors to standardize materials, supplies, facilities, services and equipment to be used for telecommunications;

(i) The General Manager of Department of Electricity with the consent of any City and County department, board, or commission may delegate any of the above responsibilities at his/her discretion, except as provided in paragraph (f) of this section.

Section 39. Chapter 23 of the San Francisco Administrative Code is hereby amended, by amending Section 23.10 thereof, to read as follows:

SEC. 23.10. FILING REQUEST FOR TRANSFER WITH MAYOR ((; APPROVAL BY CHIEF ADMINISTRATIVE OFFICER)).

The officer, board or commission in charge of the department which desires to have real property transferred to it shall file with the Mayor a request in writing that the transfer shall be made, which request shall contain a description of the desired property and state the specific purposes for which the property is to be used by the department. ((Whenever any department desiring to have such property transferred to it is under the jurisdiction of the Chief Administrative Officer, the latter shall approve the request for the transfer.))

Section 40. Chapter 33 of the San Francisco Administrative Code is hereby amended, by amending Section 33.2 thereof, to read as follows:

SEC. 33.2. DECLARATION OF POLICY.

It is the policy of the City and County of San Francisco to give every inhabitant of the City and County, woman or man, equal economic, political, social and educational opportunities and to give equal services and protection by public agencies. It is the policy of the City and County of San Francisco to keep the public informed on developments in the legal and social status of women; to develop and distribute pertinent information and recommendations to the City and County agencies and to the general public; to provide expert advice and assistance to the offices, agencies, boards, departments, and employees of the City and County in undertaking efforts to assure equality in the treatment of the sexes; and to officially encourage private persons and groups to take steps to remove the barriers in the struggle of both women and men for equal opportunities resulting from tradition and prejudice as well as the educational, economic, political, legal and social restrictions of the past. It is the policy of the City and County of San Francisco that the Mayor, the Board of Supervisors ((Chief Administrative Officer)), and all City and County commissions, boards and department heads shall consult with the Commission on matters relating to women.

Section 41. Chapter 33 of the San Francisco Administrative Code is hereby amended, by amending Section 33.10 thereof, to read as follows:

SEC. 33.10. COOPERATION OF OTHER CITY AND COUNTY ENTITIES.

(a) The Mayor, Board of Supervisors ((Chief Administrative Officer)), and each commission, board, department and agency of the City and County shall fully cooperate with the Commission in fulfilling the provisions and purposes of this Article and shall regularly consult with the Commission on matters relating to women.

(b) The Civil Service Commission shall make monthly reports to the Commission regarding all complaints of employment discrimination against women that it receives. The Civil Service Commission's monthly reports to the Commission on the Status of Women shall not contain information identifying the parties involved in the events giving rise to the complaint, but shall include: (1) the number of complaints filed that month; (2) the nature of each complaint filed; (3) the department, bureau or division in which each complaint arose; (4) the damages allegedly suffered with respect to each complaint; and (5) the status of all outstanding complaints. The Civil Service Commission shall consult with the Commission concerning the manner in which such complaints are handled. The Civil Service Commission and all other agencies, departments, boards and commissions of the City and County shall also send the Commission any and all reports they make to the Board of Supervisors and/or the Mayor concerning any type of employment discrimination against women (including sexual harassment). The Civil Service Commission shall provide the Commission, upon request, access to pertinent, nonconfidential personnel information with respect to current City and County employees and applicants for employment including, but not limited to: (1) an employee's or

applicant's eligibility or certification status; and (2) any workforce utilization or salary analysis performed by the Civil Service Commission.

(c) The City Attorney shall submit to the Commission a monthly report of settlements, which includes lawsuits and claims filed by female employees of the City and County alleging employment discrimination. The report shall include: (1) the name of the case or claimant; (2) the nature of the case; (3) the damages allegedly suffered; and (4) the amount of the settlement. The City Attorney shall also provide, quarterly, a summary of litigation judgments in favor of and against the City and County, including all lawsuits filed by female employees alleging employment discrimination. The City Attorney shall alert the Commission to the filing of any lawsuit against the City and County alleging any form of employment discrimination against women and shall provide a monthly report of all administrative claims filed against the City, including any claims alleging employment discrimination against women. Upon request, the City Attorney shall forward to the Commission a copy of any complaint or claim filed with or served upon the City Attorney.

(d) All agencies, departments, boards and commissions of the City and County, with the exception of the City Attorney, shall make monthly reports to the Commission regarding all complaints of employment discrimination filed by their female employees alleging any type of employment discrimination. The monthly report shall be filed by the fifteenth of each month, for the previous month, and shall include: (1) the number of complaints filed that month; (2) the nature of each complaint filed; (3) the bureau or division in which each complaint arose; (4) the damages allegedly suffered with respect to

each complaint; and (5) the status of all outstanding complaints. All agencies, departments, boards and commissions of the City and County required to file such reports shall consult with the Commission concerning the manner in which such complaints shall be handled.

Section 42. Chapter 51 of the San Francisco Administrative Code is hereby amended, by amending Section 51.03 thereof, to read as follows:

SEC. 51.03. DUTIES OF MAYOR ((CHIEF ADMINISTRATIVE OFFICER)).

(a) The Mayor ((Chief Administrative Officer)), or his or her designee, shall be responsible for the administration of the Voluntary Arts Contributions Fund, and shall have all such authority as may be reasonably necessary to carry out those responsibilities.

(b) The Mayor ((Chief Administrative Officer)) shall promulgate such rules and regulations as he or she may deem appropriate to carry out the provisions of this Chapter. Such rules and regulations shall be developed in consultation with any appropriate agencies or organizations with which the Mayor ((Chief Administrative Officer)), or his or her designee, may choose to consult. Such rules and regulations shall be designed to ensure that nonprofit arts organizations which meet current eligibility requirements for the receipt of funds from the Publicity and Advertising Fund shall also be eligible for the receipt of funds under this Chapter.

(c) The Mayor ((Chief Administrative Officer)) shall submit a semi-annual report to the Board of Supervisors, setting forth an accounting of the amounts disbursed to each nonprofit arts organization and the uses for which said funds were made.

Section 43. Chapter 51 of the San Francisco Administrative Code is hereby amended, by amending Section 51.04 thereof, to read as follows:

SEC. 51.04. EXPENDITURES FROM FUND.

It is the intent of the Board of Supervisors that monies deposited into the Voluntary Arts Contribution Fund shall be made available for equipment acquisition, facilities maintenance and capital improvements for the benefit of nonprofit arts organizations.

In evaluating applications for funds under this Chapter, the Mayor ((Chief Administrative Officer)) shall give preference, where possible, to nonprofit arts organizations with annual budgets of less than $1,000,000.

It is also the intent of the Board of Supervisors that the maximum degree of cultural and ethnic diversity be achieved among recipients of funds under this Chapter, to insure that minority, disabled, lesbian/gay and other nonprofit arts organizations may share in the benefits of this Fund. In administering the Voluntary Arts Contribution Fund, the Mayor ((Chief Administrative Officer)) shall give priority to this intent and shall insure that sufficient funds are available to achieve this purpose.

Section 44. Chapter 54 of the San Francisco Administrative Code is hereby amended, by amending Section 54.2 thereof, to read as follows:

SEC. 54.2. ESTABLISHMENT OF COMMISSION; APPOINTMENT; TERMS; MEETINGS; COMPENSATION; EXECUTIVE DIRECTOR.

(a) There is established a Commission to be known as the Southeast Community Facility Commission consisting of seven members. Commission members shall be appointed by and serve at the pleasure of the Mayor. ((The Chief Administrative Officer shall nominate persons for two positions on the Commission.)) Unless the Mayor determines that it is otherwise impracticable, persons appointed to serve as members of the Commission shall either reside or work in the Bayview-Hunters Point community, as defined in Section 54.2(b) of this Chapter.

(b) For purposes of this Chapter, the Bayview-Hunters Point community is defined as the area south of the southern curb line of Army Street, east of the eastern curb line of the James Lick Freeway (also known as U.S. Route 101), north of the city and county boundary line shared with San Mateo County, and west of San Francisco Bay.

(c) Appointments of Commission members shall be made not later than 60 days after the effective date of this Chapter. Of the members first appointed, three will serve for a term of two years, two will serve for a term of three years, and two will serve for a term of four years. The term of office of each member shall be determined by the drawing of lots at the first meeting of the Commission. Thereafter, members will be appointed for a term of office of four years, except that all of the vacancies occurring during a term will be

filled by an appointment made by the Mayor for the unexpired term. Each vacancy shall be filled within 30 days of the occurrence of the vacancy.

(d) A president shall be selected by majority vote of the members of the Commission. The president shall serve for a term of two years and shall not serve more than two consecutive terms.

(e) The date, place and time of meeting shall be determined by rules adopted by the Commission; provided, however, that the Commission will hold a regular meeting not less than once each month.

(f) Subject to the budgetary and fiscal requirements of the Charter, each member shall be paid $50 per Commission meeting or committee meeting attended. Total compensation shall not exceed $100 per month.

(g) Any member who misses three regularly scheduled meetings of the Commission in any 12-month period without the express approval of the Commission given at a regularly scheduled meeting will be deemed to have resigned from the Commission.

(h) The Commission shall appoint an Executive Director, who shall serve at the pleasure of the Commission and shall not be subject to the civil service provisions of the Charter. The Executive Director shall possess the qualifications and experience essential to the administration of the Southeast Community Facility. The Executive Director shall be responsible for the enforcement of the rules and regulations of the Commission and shall

manage the daily activities of the Southeast Community Facility not undertaken by lessees.

Section 45. Chapter 54 of the San Francisco Administrative Code is hereby amended, by amending Section 54.4 thereof, to read as follows:

SEC. 54.4. SURPLUS FUNDS.

(a) In accordance with State and Federal grant agreements, regulations and orders, all proceeds from the leasing of the Southeast Community Facility shall be used to defray City and County costs of operating and administering the facilities.

(b) Proceeds from the leasing of the facilities that exceed the costs of operating and administering the facilities, as calculated at the end of the fiscal year, shall be known as "surplus funds."

(c) Subject to the ((approval of the Chief Administrative Officer and to the)) budgetary and fiscal requirements of the Charter, the Commission may allocate surplus funds accrued during the prior fiscal year for certain uses related to the operations and activities of the Southeast Community Facility.

(d) Surplus funds may be allocated for the following purposes:

(1) Scholarships first for residents of the Bayview-Hunters Point community and thereafter for all other residents of the City and County of San Francisco to attend classes and other educational activities at the Southeast Community Facility or other accredited institutions of education;

(2) Scholarships first for children residing in the Bayview-Hunters Point community and thereafter for all other resident children of the City and County of San Francisco to attend child care centers at the Southeast Community Facility or other State-licensed child care providers;

(3) Supplementary funding for job training programs and activities at the Southeast Community Facility;

(4) Supplementary funding for community agencies which address the needs as identified in Section 54.1, Findings.

(e) There is hereby established a reserve fund to consist of 10 percent of each year's budget surplus for the facility, as available, to be used for the purpose of facility maintenance only. This reserve fund will be maintained for a five-year period, and the use of this reserve fund will be reviewed at the termination of the five-year period.

Section 46. Chapter 56 of the San Francisco Administrative Code is hereby amended, by amending Section 56.17 thereof, to read as follows:

SEC. 56.17. PERIODIC REVIEW.

(a) **Time for and Initiation of Review.** The Director ((and Chief Administrative Officer)) shall conduct a review in order to ascertain whether the applicant/developer has in good faith complied with the development agreement. The review process shall commence at the beginning of the second week of January following final adoption of a development agreement, and at the same time each year thereafter for as long as the

agreement is in effect. The applicant/developer shall provide the Director ((and the Chief Administrative Officer)) with such information as is necessary for purposes of the compliance review.

Prior to commencing review, the Director shall provide written notification to any party to a collateral agreement which the Director is aware of pursuant to Sections 56.11(a) and (d), above. Said notice shall summarize the periodic review process, advising recipients of the opportunity to provide information regarding compliance with the development agreement. Upon request, the Director shall make reasonable attempts to consult with any party to a collateral agreement if specified terms and conditions of said agreement have been incorporated into the development agreement. Any report submitted to the Director by any party to a collateral agreement, if the terms or conditions of said collateral agreement have been incorporated into the development agreement, shall be transmitted to the Commission and/or Board of Supervisors.

(b) **Finding of Compliance by Director ((and the Chief Administrative Officer)).** If the Director ((and the Chief Administrative Officer)) finds on the basis of substantial evidence, that the applicant/developer has complied in good faith with the terms and conditions of the agreement, the Director shall notify the Commission and the Board of Supervisors of such determination, and shall at the same time cause notice of the determination to be published in the official newspaper and included on the Commission calendar. If no member of the Commission or the Board of Supervisors requests a public hearing to review the Director's determination within 14 days of receipt

of the Director's notice, the Director's ((and Chief Administrative Officer's)) determination shall be final. In such event, the Director shall issue a certificate of compliance, which shall be in recordable form and may be recorded by the developer in the official records. The issuance of a certificate of compliance by the Director shall conclude the review for the applicable period.

(c) **Public Hearing Required.** If the Director ((or the Chief Administrative Officer)) determines on the basis of substantial evidence that the applicant/developer has not complied in good faith with the terms and conditions of the development agreement, or otherwise determines that the public interest would be served by further review, or if a member of the Commission or Board of Supervisors requests further review pursuant to Subsection (b) above, the Director shall make a report to the Commission which shall conduct a public hearing on the matter. Any such public hearing must be held no sooner than 30 days, and no later than 60 days, after the Commission has received the Director's report. The Director shall provide to the applicant/developer (1) written notice of the public hearing scheduled before the Commission at least 30 days prior to the date of the hearing, and (2) a copy of the Director's report to the Commission on the date the report is issued.

(d) **Findings Upon Public Hearing.** At the public hearing, the applicant/developer must demonstrate good faith compliance with the terms of the development agreement. The Commission shall determine upon the basis of substantial evidence whether the

applicant/developer has complied in good faith with the terms of the development agreement.

(e) **Finding of Compliance by Commission.** If the Commission, after a hearing, determines on the basis of substantial evidence that the applicant/developer has complied in good faith with the terms and conditions of the agreement during the period under review, the Commission shall instruct the Director to issue a certificate of compliance, which shall be in recordable form, may be recorded by the applicant/developer in the official records, and which shall conclude the review for that period; provided that the certificate shall not be issued until after the time has run for the Board to review the determination. Such determination shall be reported to the Board of Supervisors. Notice of such determination shall be transmitted to the Clerk of the Board of Supervisors within three days following the determination. The Board may adopt a motion by majority vote to review the decision of the Planning Commission within 10 days of the date after the transmittal. A public hearing shall be held within 30 days after the date that the motion was adopted by the Board. The Board shall review all evidence and testimony presented to the Planning Commission, as well as any new evidence and testimony presented at or before the public hearing. If the Board votes to overrule the determination of the Planning Commission, and refuses to approve issuance of a certificate of compliance, the Board shall adopt written findings in support of its determination within 10 days following the date of such determination. If the Board agrees with the determination

of the Planning Commission, the Board shall notify the Planning Director to issue the certificate of compliance.

(f) **Finding of Failure of Compliance.** If the Commission after a public hearing determines on the basis of substantial evidence that the applicant/developer has not complied in good faith with the terms and conditions of the agreement during the period under review, the Commission shall either (1) extend the time for compliance upon a showing of good cause; or (2) shall initiate proceedings to modify or terminate the agreement pursuant to Section 56.18.

Section 47. Chapter 57 of the San Francisco Administrative Code is hereby amended, by amending Section 57.5 thereof, to read as follows:

SEC. 57.5. AUTHORIZATION TO ENTER INTO USE AGREEMENTS AND COORDINATE CITY DEPARTMENTS REGARDING FILM COMPANIES; CONSENT OF RELEVANT DEPARTMENTS; COST RECOVERY.

(a) **Use Agreements; Deposit of Funds.** The Executive Director may enter into use agreements with organizations seeking to engage in film productions. The Executive Director shall be the sole City representative authorized to negotiate use agreements. Such agreements shall, at a minimum, provide for the full recovery of costs incurred by the various City departments in providing the use of City employees, equipment and rental facilities or rental properties. Funds to reimburse City departments for costs incurred by those departments for the deployment of personnel or equipment or use of

rental facilities or rental properties shall be paid directly to those departments for deposit subject to the budget and fiscal provisions of the Charter.

(b) **Consent of Departments or Mayor ((Chief Administrative Officer)).** Use agreements entered into pursuant to this Section shall provide that where film productions are to take place on property under the jurisdiction of City departments, the permission to use such property is subject to the consent of the department head or his or her designee or the Mayor or the Mayor's designee ((Chief Administrative Officer)).

(c) **Schedule of Costs.** In addition to the reimbursement of City departments for the costs incurred by those departments in deploying personnel or equipment, the following daily charges shall be assessed to film companies seeking to engage in film productions:

Videos, documentaries, print, travel or corporate/industrial films $100

Commercials $200

Television programs or feature films $300

Student, educational or nonprofit productions ..... No fee

Fifty percent of the revenue generated by such charges shall be deposited in the Film Production Special Fund. The remaining 50 percent of such funds shall be deposited in a reserve fund to be established by the Controller and held in reserve for City departments that incur costs related to film productions. The Executive Director shall determine the apportionment of reserved funds for these various departments. Such departments may use these funds subject to the budgetary and fiscal provisions of the

Charter, provided that funds earmarked for the Municipal Railway shall be deposited to the Public Utilities Award Fund (Account No. 739771).

Section 48. Chapter 58 of the San Francisco Administrative Code is hereby amended, by amending Section 58.6 thereof, to read as follows:

SEC. 58.6. NOTICE OF APPOINTMENT.

Whenever the Mayor, ((the Chief Administrative Officer,)) or a board or commission appoints a department head, or receives the resignation or retirement notice of a department head, the official or the secretary to the board or commission who makes the appointment or receives the resignation or retirement notice, shall promptly inform the ((Clerk of the Board of Supervisors)) Ethics Commission. The official or secretary shall also inform the department head of the necessity to file within 30 days on assuming office or leaving office statement of economic interests. Upon receiving notice of the appointment, or the resignation or retirement, of the department head, the ((Clerk)) Ethics Commission shall perform the required duties of the filing officer and obtain the required statement of economic interests.

Section 49. Chapter 66 of the San Francisco Administrative Code is hereby amended, by amending Section 66.6 thereof, to read as follows:

SEC. 66.6 PROGRAM BOARD.

(a) The Board of Supervisors hereby finds and declares that the individuals appointed to the office of Program Board member are intended to represent and further

(1) the interests of persons who own a UMB or are tenants in a UMB, and (2) the interests of persons who own an interest in a business enterprise that owns a UMB, or is a tenant in a UMB, and that such representation and interest will ultimately serve the public interest. Accordingly, the Board of Supervisors finds that for purposes of persons who hold such office, ownership of or tenancy in a UMB or ownership of a business enterprise that owns a UMB or is a tenant in a UMB is tantamount to and constitutes the public generally within the meaning of Section 87103 of the California Government Code. Nothing in this legislation is intended to imply that the members of the Program Board, other than the member who is a member of the Board of Supervisors, are public officials within the meaning of the Political Reform Act.

(b) There shall be a 13 member Program Board which shall consist of the following six persons or their designees who shall be non-voting members:

(1) The Director of Business and Economic Development ((Chief Administrative Officer));

(2) The Director of the Mayor's Office of Housing;

(3) The Controller;

(4) The Director of the Bureau of Building Inspection;

(5) The Director of the Department of City Planning; and

(6) The President of the Landmarks Preservation Advisory Board;

and seven voting members who shall consist of one member of the Board of Supervisors, who shall be appointed by the President of the Board of Supervisors, and one member,

who shall be appointed by the Board of Supervisors, from each of the following six groups:

(1) Persons who own a nonresidential UMB or who own a business that owns a nonresidential UMB, or a person sponsored by a member of either such group;

(2) Persons who are tenants of, or owners of a business that is a tenant of, a nonresidential UMB, or a person sponsored by a member of either such group;

(3) Persons who are owners of a residential UMB or who own a business that owns a residential UMB, or a person sponsored by a member of either such group;

(4) Persons who are tenants of a residential UMB, or a person sponsored by a member of such a group;

(5) Persons whose membership on the Program Board has been sponsored by a nonprofit corporation that owns or manages a residential UMB; and

(6) Persons whose membership on the Program Board has been sponsored by a nonprofit corporation that owns or manages a nonresidential UMB.

(c) The Board of Supervisors shall appoint a nine person Advisory Board that shall make recommendations to and respond to requests for advice from the Program Board. The Advisory Board shall be composed of one member from each of the following groups:

(1) Persons active in historic preservation in San Francisco;

(2) Disabled persons;

(3) Persons employed by or owning an interest in a financial or mortgage brokerage institution;

(4) Trade union members or officers;

(5) Persons active in efforts to preserve and protect the physical environment of San Francisco;

(6) Persons who own an interest in a business that is certified by the Human Rights Commission as a Disadvantaged Business Enterprise;

(7) Persons employed in or owning an interest in a business engaged in the construction industry;

(8) Licensed structural engineers; and

(9) Licensed architects.

(d) The Board of Supervisors shall have the exclusive authority to determine the adequacy of the credentials of each Program Board member and each Advisory Board member.

(e) Each member of the Program Board and of the Advisory Board shall serve for a term of two years and until his or her successor assumes office, but may be removed sooner, for any reason or no reason, by a resolution adopted by the Board of Supervisors.

(f) The Program Board shall recommend to the Board of Supervisors regulations for administration of the program, including, but not limited to, credit standards to be used in determining eligibility for loans under the program, loan documentation to be used in the program, enforcement procedures, staffing and general policies. The Program Board shall also advise the City officials designated by the Board of Supervisors as the

administrators of the program on matters of general operation and implementation of the program. The Program Board shall have no other function or authority except to make those recommendations to the Board of Supervisors and to the program administrative staff. The Program Board shall not interfere in or provide advice with respect to the evaluation of any specific loan application or the enforcement of any specific loan terms.

(g) The recommendations of the Program Board shall be advisory only, and the Board of Supervisors may adopt any regulations that it determines appropriate and the program administrators may undertake any actions that they deem appropriate notwithstanding the recommendations of the Program Board.

(h) In making its recommendations to the Board of Supervisors and to other City officials with respect to the implementation and the operation of the program, the Program Board shall hold public hearings to receive testimony from persons interested in or affected by the program.

(i) The Director of Business and Economic Development's ((Chief Administrative Officer's)) office shall provide staff assistance for the Program Board as is reasonable and feasible within the budget and staff available to the Director of Business and Economic Development's ((Chief Administrative Officer's)) office.

Section 50. Chapter 66A of the San Francisco Administrative Code is hereby amended, by amending Section 66A.2 thereof, to read as follows:

SEC. 66A.2. DEFINITIONS.

Unless otherwise defined below, capitalized terms used in this Chapter 66A shall have the meanings set forth in this Chapter 66A or in Administrative Code Chapter 66.

(1) "Annual Debt Service" means the annual sum of all payments due on obligations secured by the Property, as defined below, for the 12 months following the date of application for a Seismic Safety Loan, as defined below, including any payments which will be due on the proposed Seismic Safety Loan, but shall not include depreciation of the Property.

(2) "Annual Net Operating Income" means the annual sum of all gross income estimated to be generated by the Property, as defined below, during the 12 months following the date of application for a Seismic Safety Loan, as defined below, less the sum of all operating expenses for the Property during such period.

(3) "Applicant" means an applicant for a Seismic Safety Loan, as defined below.

(4) "Bolts Plus" means the retrofit standard defined in San Francisco Building Code Section 1403 and permitted under San Francisco Building Code Section 1509(b).

(5) "Bond Proceeds" means the proceeds of taxable general obligation bonds to be issued by the City to finance the Program, including interest on such proceeds.

(6) "Borrower" means a recipient of a Seismic Safety Loan, as defined below.

(7) "Building Code" means the San Francisco Building Code, as it may be amended from time to time.

(8) "Debt Service Coverage Ratio" shall be the ratio of Annual Net Operating Income on the Property, as defined below, to Annual Debt Service on the Property.

(9) "General Procedure" means the retrofit standard defined in Building Code Section 1510.

(10) "Loan Committee" means the Unreinforced Masonry Building Loan Committee, as further defined in Section 66A.14.

(11) "Loan to Value Ratio" means the ratio of the outstanding principal balance of all financing secured by the Property, as defined below, including the proposed Seismic Safety Loan, as defined below, to the Market Value of the Property.

(12) "Market Value" of the Property, as defined below, means the value of the Property as determined by an appraiser approved by the City who possesses a State of California appraisal license, certified general, based on both historical data and projected income and value following completion of Seismic Strengthening, as defined in Administrative Code Section 66.1(i). Such appraisal shall be dated no earlier than 90 days prior to the date of application for a Seismic Safety Loan, as defined below. The Applicant shall be fully responsible for the cost of obtaining such an appraisal. The Program Administrator, as defined below, shall provide prospective Applicants with a list of preapproved appraisers. The Applicant may obtain the prior written approval of the Program Administrator in the event the Applicant wishes to utilize an appraiser other than as specified on such list.

(13) "Program Administrator" means a representative of the Director of Business and Economic Development's ((Chief Administrative Officer's)) Office, as specified in Section 66A.27.

(14) "Program Regulations" means regulations to be developed by the Program Administrator, which will address those issues specified in this Chapter 66A, in addition to any other matters deemed necessary by the Program Administrator in order to implement Chapters 66 and 66A.

(15) "Property" means an unreinforced masonry bearing wall building ("UMB"), as defined in Administrative Code Section 66.1(j), together with the legal parcel(s) of real property on which the UMB is located.

(16) "Regulatory Agreement" means an agreement to be executed by the Property owner and recorded against the Property in order to restrict subsequent use of the Property, as further described in Administrative Code Section 66.5 and in this Chapter 66A.

(17) "Section 104(f)" means the retrofit standard defined in Building Code Section 104(f).

(18) "Seismic Safety Loan" means a loan made pursuant to Administrative Code Chapters 66 and 66A, and includes Below Market Rate Loans, Deferred Loans and Market Rate Loans, each as defined in Administrative Code Section 66.1.

(19) "Special Procedure" means the retrofit standard defined in Building Code Section 1511.

Section 51. Chapter 66A of the San Francisco Administrative Code is hereby amended, by amending Section 66A.14 thereof, to read as follows:

SEC. 66A.14. UNREINFORCED MASONRY BUILDING LOAN COMMITTEE.

(1) **Members.** The Loan Committee shall consist of the following members as appointed by the Director of Business and Economic Development ((Chief Administrative Officer)), each of whom shall be voting members:

(a) The Program Administrator or his/her designee;

(b) A financial expert or mortgage broker;

(c) A real estate appraiser or other commercial real estate expert;

(d) A finance expert, with experience in affordable housing development, from the Mayor's Office of Housing or the successor to that office, or if no such office exists, from a City department with experience in housing development and finance; and

(e) An engineering cost estimator.

(2) **Quorum.** Three members of the Loan Committee shall constitute a quorum for the purposes of accomplishing the duties set forth in Subsection (3) below. A simple majority vote of three members shall be necessary to approve any loan application or take any other action. All decisions of the Loan Committee shall be final.

(3) **Meetings.** The Loan Committee shall meet on a monthly basis at a time and place determined by the Loan Committee. All meetings shall be noticed in accordance with applicable state and local law.

(4) **Duties.** The Loan Committee shall perform the following duties:

(a) The Loan Committee shall meet on a monthly basis at times and places specified by the Loan Committee, and determine whether to approve or disapprove a loan

application. In the case of disapproval, the Loan Committee may indicate the reasons for such disapproval, and the Applicant may choose to reapply in accordance with the requirements of this Chapter 66A.

(b) The Loan Committee may make approval of any loan subject to satisfaction of specific conditions subsequent.

(5) **Priority of Applications.** In the event the Loan Committee receives applications for Seismic Safety Loans in excess of Bond Proceeds then available for Loans, the Loan Committee shall consider applications according to the following priorities:

(a) Properties which have been assigned a risk level under Section 14043(b)(2)(B) of the San Francisco Building Code which imposes a shorter period for completion of Seismic Strengthening shall receive a greater priority than those Properties which have received a risk level which allows a longer period for compliance.

(b) Properties with architectural or historic significance (including only those Properties listed in Article 10 of the City Planning Code (City Landmarks and Historic Districts), Article 11 of the City Planning Code (Downtown Properties), the California Register of Historical Resources or the National Register of Historic Places) shall receive a greater priority than Properties not so listed.

(c) Properties with existing residential or commercial tenants shall receive a greater priority than vacant Properties.

(d) Applications which include a bid containing a hiring plan to hire more than 25 percent of their total construction workforce, measured in labor hours, from the designated pool of economically disadvantaged individuals, as described in Section 66A.23, and accompanying Program Regulations, shall receive a greater priority than applications with no such hiring plan.

Section 52. Chapter 66A of the San Francisco Administrative Code is hereby amended, by amending Section 66A.26 thereof, to read as follows:

SEC. 66A.26. PROGRAM REGULATIONS.

The Program Administrator shall develop Program Regulations to address the issues specified in this Chapter 66A and such other matters as deemed necessary by the Program Administrator for efficient administration of the Program. Such Program Regulations shall be subject to review and approval by the Director of Business and Economic Development ((Chief Administrative Officer)) and the City Attorney's Office.

Section 53. Chapter 66A of the San Francisco Administrative Code is hereby amended, by amending Section 66A.27 thereof, to read as follows:

SEC. 66A.27. PROGRAM MANAGEMENT.

The Director of Business and Economic Development ((Chief Administrative Officer)) shall be responsible for management of the Program in accordance with these requirements. The Director of Business and Economic Development ((Chief

Administrative Officer)) shall appoint an individual to serve as the Program Administrator, who will be responsible for the day-to-day management of the Program.

Section 54. Chapter 66A of the San Francisco Administrative Code is hereby amended, by amending Section 66A.28 thereof, to read as follows:

SEC. 66A.28. AFFIRMATIVE ACTION.

The City's affirmative action goals, as described in Administrative Code Section 12B.4, shall apply to contractors performing Seismic Strengthening under contracts with Borrowers under this Program. Compliance with those goals shall be monitored by the Director of Business and Economic Development ((Chief Administrative Officer)) and the Program Administrator, as specified in Administrative Code Section 66A.27.

Section 55. Chapter 67 of the San Francisco Administrative Code is hereby amended, by amending Section 67.4 thereof, to read as follows:

SEC. 67.4. PASSIVE MEETINGS.

(a) Gatherings as defined in Subdivision (5), which shall be known as "passive meetings," shall be accessible to individuals upon inquiry and to the extent possible consistent with the facilities in which they occur.

(1) Such gatherings need not be formally noticed, although the time, place and nature of the gathering shall be disclosed upon inquiry by a member of the public, and

any agenda actually prepared for the gathering shall be accessible to such inquirers as a public record;

(2) Such gatherings need not be conducted in any particular space for the accommodation of spectators, although spectators shall be permitted to observe on a space-available basis consistent with legal and practical restrictions on occupancy;

(3) Such gatherings of a business nature need not provide opportunities for comment by spectators, although the person presiding may, in his or her discretion, entertain such questions or comments from spectators as may be relevant to the business of the gathering;

(4) Such gatherings of a social or ceremonial nature need not provide refreshments to spectators;

(5) Gatherings subject to this subsection are the following: advisory committees created in writing by the initiative of a member of a policy body, the Mayor, ((the Chief Administrative Officer)) or a department head and social, recreational or ceremonial occasions sponsored or organized by or for a policy body to which a majority of the body has been invited. This subsection shall not apply to a committee which consists solely of employees of the City and County of San Francisco;

(6) Gatherings defined in Subdivision (5) may hold closed sessions under any circumstances allowed by this Article or the Ralph M. Brown Act.

(b) To the extent not inconsistent with state or federal law, a policy body shall include in any contract with an entity that owns, operates or manages any property in

which the City has or will have an ownership interest, including a mortgage, and on which the entity performs a government function related to the furtherance of health, safety or welfare, a requirement that any meeting of the governing board of the entity to address any matter relating to the property or its government related activities on the property, be conducted as provided in Subdivision (a) of this section.

Section 56. Chapter 67 of the San Francisco Administrative Code is hereby amended, by amending Section 67.29 thereof, to read as follows:

SEC. 67.29. INDEX TO RECORDS.

Each department may cooperate with any voluntary effort by an interested and competent individual or organization to compile a master index to the types of records it maintains, including those it creates and those it receives in the ordinary course of business. The index shall be for the use of City officials, staff and the general public, and shall be organized to permit a general understanding of the types of information maintained, by which officials and departments, for which purposes and for what periods of retention, and under what manner of organization for accessing, e.g., by reference to a name, a date, a proceeding or project, or some other referencing system. The index need not be in such detail as to identify files or records concerning a specific person, transaction or other event, but shall clearly indicate where and how records of that type are kept. Any such master index shall be reviewed by appropriate staff for accuracy and presented for formal adoption to the administrative official or policy body responsible for

the indexed records. Any changes in the department's practices or procedures that would affect the accuracy of the index shall thereafter be reported by the responsible staff to the board, commission, ((Chief Administrative Officer)) or elective officer, as the case may be, as the basis for a corresponding revision of the index.

Section 57. Chapter 67 of the San Francisco Administrative Code is hereby amended, by amending Section 67.30 thereof, to read as follows:

SEC. 67.30. THE SUNSHINE ORDINANCE TASK FORCE.

(a) There is hereby established a task force to be known as the Sunshine Ordinance Task Force consisting of eleven voting members appointed by the Board of Supervisors. Two members shall be appointed from individuals whose names have been submitted by the local chapter of the Society of Professional Journalists, one of whom shall be an attorney and one of whom shall be a local journalist. One member shall be appointed from the press or electronic media who has an interest in the issues of citizen access and participation in local government. One member shall be appointed from individuals whose names have been submitted by the local chapter of the League of Women Voters. Five members shall be members of the public who have demonstrated interest in or have experience in the issues of citizen access and participation in local government. Two members shall be members of the public experienced in consumer advocacy. At all times the task force shall include at least one member who shall be a member of the public who is disabled and who has demonstrated interest in citizen

access and participation in local government. The Mayor ((Chief Administrative Officer)) or his or her designee, and the Clerk of the Board of Supervisors and his or her designee, shall serve as nonvoting members of the task force. The City Attorney shall serve as legal advisor to the task force.

(b) The term of each appointive member shall be two years unless earlier removed by the Board of Supervisors. In the event of such removal or in the event a vacancy otherwise occurs during the term of office of any appointive member, a successor shall be appointed for the unexpired term of the office vacated in a manner similar to that described herein for the initial members. The task force shall elect a chair from among its appointive members. The term of office as chair shall be one year. Members of the task force shall serve without compensation.

(c) The task force shall advise the Board of Supervisors and provide information to other City departments on appropriate ways in which to implement this Chapter. The task force shall develop appropriate goals to ensure practical and timely implementation of this Chapter. The task force shall propose to the Board of Supervisors amendments to this Chapter. The task force shall report to the Board of Supervisors at least once annually on any practical or policy problems encountered in the administration of this Chapter.

Section 58. Chapter 67 of the San Francisco Administrative Code is hereby amended, by amending Section 67.31 thereof, to read as follows:

SEC. 67.31. RESPONSIBILITY FOR ADMINISTRATION.

The Mayor ((Chief Administrative Officer)) shall administer and coordinate the implementation of the provisions of this Chapter for departments under his or her control. The Mayor shall administer and coordinate the implementation of the provisions of this Chapter for departments under the control of board and commissions appointed by the Mayor. Elected officers shall administer and coordinate the implementation of the provisions of this Chapter for departments under their respective control. The Mayor ((Chief Administrative Officer)) shall administer the Task Force On The Implementation Of The San Francisco Sunshine Ordinance.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By _____
THOMAS J. OWEN
Deputy City Attorney

(06/21/96)

cc

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
July 1, 1996	§	July 8, 1996
	§	
	§	
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki	§	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Teng Yaki
	§	
Absent: Supervisor Teng	§	Absent: Supervisor Katz

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
97-96-19.2

JUL 1 2 1996
Date Approved

Mayor

FILE NO. 106-96-2 ORDINANCE NO. 288-96

SETTING SCHEDULES OF COMPENSATION AND OTHER ECONOMIC BENEFITS FOR CERTAIN CLASSIFICATIONS OF PERSONS EMPLOYED BY THE SUPERIOR COURT FOR THE CITY AND COUNTY OF SAN FRANCISCO.

Be it ordained by the People of the City and County of San Francisco:

I. THIS ORDINANCE, WHICH HAS BEEN APPROVED BY A MAJORITY OF THE JUDGES OF THE SUPERIOR COURT PURSUANT TO GOVERNMENT CODE SECTION 69900, ESTABLISHES BENEFITS, AND WHERE APPLICABLE, RATES OF COMPENSATION EFFECTIVE JULY 1, 1996, FOR THE FOLLOWING CLASSIFICATIONS OF SUPERIOR COURT EMPLOYEES: 0174 STAFF ATTORNEY, 0175 SENIOR CRIMINAL RESEARCH ATTORNEY, 0555 CEO, 0583 ASSISTANT CLERK OF COURT, 0584 ASSISTANT EXECUTIVE OFFICER, 0585 ASSISTANT EXECUTIVE OFFICER, 0588 COURT COORDINATOR, 0590 COURT ASSISTANT SENIOR, 0592 PAYROLL/PERSONNEL DIRECTOR, 0595 FISCAL SYSTEMS AND SERVICES COORDINATOR, 0622 DEPUTY JURY COMMISSIONER, 0634 MANAGER OF COURT OPERATIONS, 0636 DIVISION CHIEF, 0640 DIRECTOR OF FCS, 0646 ASSISTANT DIRECTOR OF PROBATE, 0647 DIRECTOR OF PROBATE, 0648 COURT INVESTIGATOR, 0649 PROBATE EXAMINER, 0650 TRAFFIC HEARING OFFICER, 0655 FCS COUNSELOR, 0657 MENTAL HEALTH COORDINATOR, 0676 RESEARCH ASSISTANT, 0677 JUDICIAL SECRETARY COORDINATOR, 0678 EXECUTIVE SECRETARY, 0710 COURT REPORTER, 0818 MIS SPECIALIST II, 0819 MIS SPECIALIST III, AND 0821 COMPUTER

COORDINATOR.

II. FOR PURPOSES OF THIS ORDINANCE, THE TERM "COVERED EMPLOYEES" SHALL MEAN THOSE CLASSIFICATIONS ENUMERATED IN PARAGRAPH I ABOVE. THE TERM "COURT" SHALL MEAN THE SUPERIOR COURT IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO.

III. COMPENSATION AND ADDITIONAL ECONOMIC BENEFITS FOR ALL COVERED EMPLOYEES IN THE ABOVE CLASSES.

A. **WORK SCHEDULES**

1. Part-Time Work Schedules

A part-time work schedule is a tour of duty less than forty (40) hours per week. Salaries for part-time services shall be calculated upon the compensation for normal work schedules proportionate to the hours actually worked.

B. **HOLIDAYS**

1. Floating Holidays

In addition to those days designated by state statute as Court holidays, covered employees shall continue to receive the number of floating holidays provided to them in FY 95-96, to be taken on days selected by the employee subject to the approval and sole discretion of the Court. Employees must complete six (6) months continuous service before receiving the additional days, except when a particular day has been determined to be a floating holiday for all of the employees of the Court; provided that all part-time employees who are not regularly scheduled, but are employed on an as needed, irregular

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intermittent or other irregular basis are ineligible for the additional days. Floating holidays shall be taken at a time mutually agreeable to the employee and the appropriate employer representative.

2. Part-time Employees Eligible for Holidays

A regular tour of duty is forty (40) hours per week. Part-time employees who regularly work a minimum of twenty (20) hours in a bi-weekly pay period shall be entitled to holiday pay on a proportionate basis to the full-time work week of forty (40) hours.

Therefore, part-time employees, as defined in the immediately preceding paragraph, shall receive a holiday based upon the ratio of 1/10 of the total hours regularly worked in a bi-weekly pay period. Holiday time off shall be determined by calculating 1/10 of the hours worked by the part-time employee in the bi-weekly pay period immediately preceding the pay period in which the holiday falls. The computation of holiday time off shall be rounded to the nearest hour.

The proportionate amount of holiday time shall be taken in the same fiscal year in which the holiday falls. Holiday time off shall be taken at a time mutually agreeable to the employer and the appropriate employer representative.

3. Holiday Compensation for Time Worked

Employees who are covered by this ordinance who are required by the Court to work on a State holiday, excepting Fridays observed as holidays in lieu of holidays falling on a Saturday, shall be granted time off equivalent to the time worked at the rate of

one-and-one half times for work on the holiday. Time off in lieu shall be scheduled at the discretion of the Court.

4. Holiday Pay for Employees Laid Off

An employee covered by this section who is laid off at the close of business the day before a holiday who has worked not less than five previous consecutive work days shall be paid for the holiday.

C. OVERTIME AND HOLIDAY PAY

All holiday and overtime paychecks should be distributed as part of the regular pay warrants for the period in which the overtime was earned.

D. RECOVERY OF OVERPAYMENTS

The schedule of recovery of any overpayment shall be made by mutual agreement between the City and the employee. In the absence of a mutual agreement, the City will recover no more than 20% of the total amount in any one bi-weekly paycheck.

E. HEALTH AND DENTAL CARE BENEFITS

1. The level of the City's contribution to health benefits will be set annually in accordance with the requirements of Charter Appendix Sections A8.423 and A8.428.

2. The City shall continue to provide the level of dental coverage for each member and family dependents provided in FY 95-96 through FY 96-97.

F. STATE DISABILITY INSURANCE (SDI)

Upon a vote by one-half or more of the members of a covered classification

that the members desire to be enrolled in the State Disability Insurance Program, the Board of Supervisors shall take any and all necessary action to enroll such employees therein. The cost of SDI will be paid by the employee through payroll deduction at a rate established by the State of California Employment Development Department.

At the employee's option, the employee's accrued sick leave, vacation and holidays shall be integrated with SDI payments to provide a maximum to the employee of their net income.

G. **SENIORITY INCREMENTS FOR CLASSIFICATIONS OTHER THAN 0710 COURT REPORTER**

1. Entry at the First Step. Covered employees who enter a classification at the first pay step shall advance to the second step of a four-step advancement within classification upon completion of two thousand and eighty (2,080) hours worked and to each successive step upon completion of the one (1) year required service within the classification.

2. Entry at Other than the First Step. Covered employees who enter a classification at a rate of pay other than the first step shall advance one step upon completion of an additional year of required service. Further increments shall accrue following completion of the required service at this step and at each successive step.

3. Date Increment Due. Increments shall accrue and become due and payable on the next day following completion of required service as specified above.

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H. **SUPERVISORY DIFFERENTIAL ADJUSTMENT**

The Chief Executive Officer may adjust the salary of a supervisory employee whose schedule of salary is set herein subject to the following conditions:

1. The supervisor, as part of the regular responsibilities of his/her class, supervises, directs, is accountable for and is in responsible charge of the work of a subordinate or subordinates.

2. The supervisor must actually supervise the technical content of subordinate work and possess education and/or experience appropriate to the technical assignment.

3. The assignment is a regular one approved by the Chief Executive Officer.

4. The salary range of the supervisor is less than 5% over the compensation range, exclusive of extra pay, of the employee supervised. In determining the compensation schedule of a classification being paid a flat rate, the flat rate will be converted to a bi-weekly rate and the salary schedule the top step of which is closest to the flat rate so converted shall be deemed to be the compensation schedule of the flat rate classification.

5. The adjustment of the salary of the supervisor shall not exceed 5% over the compensation exclusive of extra pay, of the employee supervised.

6. If the application of this section adjusts the salary of an employee in excess of his/her immediate supervisor, whose class is covered by this

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agreement, the pay of such immediate supervisor shall be adjusted to an amount $1.00 bi-weekly in excess of the base rate of his/her highest paid subordinate, provided that the other applicable conditions of this section are also met.

7. In no event will the Chief Executive Officer approve a supervisory salary adjustment in excess of 10% over the supervisor's current basic compensation. If, in the following fiscal year, a salary inequity continues to exist, the Chief Executive Officer may again review the circumstances and may grant an additional salary adjustment not to exceed 10%.

I. **REIMBURSEMENT OF MILEAGE AND RELATED EXPENSES**

Covered employees required to use their own vehicle for Court business shall be reimbursed for mileage as fixed by the Controller in accordance with IRS rules, and will be reimbursed for all necessary parking and toll expenses.

J. **MEALS**

Covered employees shall, subject to the procedures established by the Controller, be reimbursed for the reasonable and actual costs of meals upon presentation of receipts in the following circumstances:

1. When an employee is required by the Court to attend a meeting at which a meal is served and such meal is billed to the employee;

2. When an employee is traveling overnight out of the

City on Court business.

K. **FINGERPRINTING**

The City shall bear the full cost of fingerprinting whenever such is required of the employees.

L. **ADDITIONAL COMPENSATION FOR BILINGUAL OR SIGN LANGUAGE**

Employees who are assigned in the discretion of the Court to a designated bilingual or sign language position shall be granted additional compensation of fifty dollars ($50) bi-weekly.

IV. GENERAL WAGE INCREASE FOR 0174 STAFF ATTORNEYS, 0175 SENIOR CRIMINAL RESEARCH ATTORNEYS AND 0676 RESEARCH ASSISTANTS.

Wages of covered employees in the above classifications shall be increased by two and one-half percent (2.5%) effective July 1, 1996.

V. ADDITIONAL ECONOMIC BENEFITS FOR ALL 0174 STAFF ATTORNEYS, ALL 0175 SENIOR CRIMINAL RESEARCH ATTORNEYS AND THOSE 0676 RESEARCH ASSISTANTS HIRED PRIOR TO SEPTEMBER 30, 1992.

A. **ADMINISTRATIVE LEAVE**

Attorneys are generally required to work in excess of eighty (80) hours per pay period because of the nature of attorneys' work, including litigation deadlines, client needs and ethical and professional obligations. In light of this work requirement, each full-time employee in a classification covered by this section shall receive five (5) days of

administrative leave on an annual basis. These classifications shall not be eligible to receive overtime or compensatory time off.

B. **BAR DUES**

Each full time employee that has been employed in a classification covered by this section for more than one year as of January 15, 1997, shall be reimbursed for the full amount of his/her annual California State Bar dues for that calendar year. Payment will be made no later than February 15, 1997.

C. **TUITION, MCLE, AND EDUCATIONAL FUND**

1. The City shall provide a total educational fund of at least $3,000 for fiscal year 1996-97 for the classifications covered by this section. Employees covered by this section shall be reimbursed from this fund for up to $500 each, subject to availability of moneys in the fund, for professional training and education needs to comply with mandatory state bar recertification, MCLE requirements, or other professional activities.

2. Employees covered by this section shall be paid when assigned by the Court to attend required educational programs scheduled during normal working hours.

D. **FLEXIBLE BENEFIT ALLOWANCE**

Effective July 1, 1996, the City shall, at the employee's option, either contribute $150 per month to each covered employee participating in the City's 125 Cafeteria Plan or pay $140 per month to each covered employee as a direct payment for

individual benefit options.

E. **LIFE INSURANCE**

The City shall continue to provide life insurance in the amount of $125,000 to each covered employee.

F. **RETIREMENT CONTRIBUTION**

1. The City shall pick up the employee contribution to Retirement for employees in classifications covered by this section as follows:

For the period July 1, 1996, through December 30, 1996, the City will contribute to the appropriate pension plan:

-1.3% of pension covered gross salary for old plan SFERS members and new plan full rate members;

-1.3% of pension covered gross salary for new plan reduced rate SFERS members.

All employees covered by this section who are enrolled, or shall enroll, at the minimum retirement contribution level will receive an amount equal to the pick-up they would have received pursuant to this agreement had they been enrolled at the full contribution level on at least a semi-annual basis.

For the period January 1, 1997 through June 30, 1997, the City shall contribute to the appropriate pension plan:

-7.5% of pension covered gross salary for new SFERS members;

-8.0% of pension covered gross salary for old SFERS members.

Effective January 1, 1997, each employee covered by this section shall be

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placed into full retirement contribution status which shall be irrevocable.

The aforesaid contributions shall not be considered as a part of an employee's compensation for the purpose of computing earnings or retirement benefits, nor shall such contributions be taken into account in determining the level of any other benefit which is a function of or percentage of salary. The City reserves the right to take said contributions into account for the purpose of salary comparisons with other employers.

VI. MERIT PAY FOR 0174 STAFF ATTORNEY AND 0175 SENIOR CRIMINAL RESEARCH ATTORNEY

In addition to the general wage increase set forth above, incumbents in class 0175, step 4 and class 0174, step 4 with a minimum of one year of continuous service at step 4, shall be eligible for a performance increment of two and one-half percent (2.5%) above the maximum step 4 rate, which may be awarded annually based upon consideration of length of service and outstanding performance as determined by the appointing officer.

VII. COMPENSATION AND ADDITIONAL ECONOMIC BENEFITS FOR 0818 MIS SPECIALIST II, 0819 MIS SPECIALIST III, 0595 FISCAL SYSTEMS AND SERVICES COORDINATOR

A. **COMPENSATORY TIME OFF**

Covered employees in the above classifications shall not be eligible for overtime but will receive non-vested compensatory time off for hours worked in excess of forty per week. Compensatory time off shall be earned at a rate of time and one half.

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B. **DEPENDENT HEALTH CARE BENEFITS - AMOUNT OF EMPLOYEE CONTRIBUTION TO BE PAID BY THE CITY**

Monthly Amount	Effective Date*
$225	7/1/96

* The effective dates shall be the beginning of the pay period closest to, but not preceding, the dates listed.

C. **GENERAL WAGE INCREASE**

Wages of covered employees in the above classifications shall be increased by 1% effective August 24, 1996 and by 1.5% effective December 28, 1996. The effective date shall be the beginning of the pay period closest to but not preceding August 21, 1996, and December 28, 1996, respectively.

D. **RETIREMENT CONTRIBUTION**

The City shall pick up the employee contribution to Retirement for employees in classifications covered by this section as follows:

For the period July 1, 1996, through December 27, 1996, the City will contribute to the appropriate pension plan:

- 5.5% of pension covered gross salary for old and new plan full rate SFERS members;
- 1.3% of pension covered gross salary for new plan reduced rate SFERS members;
- 1.8% of pension covered gross salary for old plan reduced rate SFERS members.

All employees covered by this section who are enrolled, or shall

enroll, at the minimum retirement contribution level will receive an amount equal to the pick-up they would have received pursuant to this agreement had they been enrolled at the full contribution level on at least a semi-annual basis.

For the period December 28, 1996 through June 30, 1997, the City shall contribute to the appropriate pension plan:

-7.5% of pension covered gross salary for new SFERS members;

-8.0% of pension covered gross salary for old SFERS members.

Effective December 28, 1996, each employee covered by this section shall be placed into full retirement contribution status which shall be irrevocable.

The aforesaid contributions shall not be considered as a part of an employee's compensation for the purpose of computing straight time earnings or retirement benefits; nor shall such contributions be taken into account in determining the level of any other benefit which is a function of or percentage of salary. The City reserves the right to take said contributions into account for the purpose of salary comparisons with other employers.

VIII. COMPENSATION AND ADDITIONAL ECONOMIC BENEFITS FOR CLASSIFICATIONS 0648 COURT INVESTIGATOR, 0649 PROBATE EXAMINER, 0655 FCS COUNSELOR, 0678 EXECUTIVE SECRETARY, AND 0710 COURT REPORTER

A. **GENERAL WAGE INCREASE**

All employees covered by this ordinance except 0710 Court Reporters shall receive a 2.0% wage increase effective July 1, 1996, and a further 1.5% wage increase

effective January 1, 1997. The effective date shall be the beginning of the pay period closest to but not preceding July 1, 1996, and January 1, 1997, respectively.

B. **DEPENDENT HEALTH CARE BENEFITS - AMOUNT OF EMPLOYEE CONTRIBUTION TO BE PAID BY THE CITY**

Monthly Amount	Effective Date*
$225	July 1, 1996

* The effective dates shall be the beginning of the pay period closest to but not preceding the dates listed.

C. **RETIREMENT PICK-UP**

Effective January 1, 1997, the City shall contribute to the appropriate pension plan.

-7.0% of pension covered gross salary for new SFERS members.

The aforesaid contributions shall not be considered as a part of an employee's compensation for the purpose of computing straight time earnings, compensation for overtime worked, premium pay, or retirement benefits; nor shall such contributions be taken into account in determining the level of any other benefit which is a function of or percentage of salary. The City reserves the right to take said contributions into account for the purpose of salary comparisons with other employers.

D. **OVERTIME PAY OR COMPENSATORY TIME**

Overtime shall be paid in accordance with the Fair Labor Standards Act ("FLSA") Employees who are not FLSA-exempt, and who work or, who are suffered to

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work overtime shall be paid in salary unless the individual employee requests compensatory time off in lieu of paid overtime. Compensatory time shall be earned at the rate of time and one-half (1 1/2). Classification 0710 Court Reporters shall not be eligible for overtime or compensatory time.

E. **EMPLOYEES COVERED BY FORMER WORD PROCESSING PREMIUM**

Employees who have received a word processing premium continuously from FY 94-95 to the present shall continue to receive a ninety-one cent ($.91) per hour premium above the salary to which they are entitled for such time as they are assigned to and actually work with word processing equipment.

"Word processing" shall be defined as the clerical process of typing documents into a computerized memory and printing system; revising and editing said documents; retrieving a completed document from said system and does not include data entry operations.

The parties agree that the definition of word processing added to Section IV.Q of the 1982-83 Salary Standardization Ordinance shall not restrict employees performing duties which are currently covered by the premium from receiving the premium under the new ordinance.

IX. ADDITIONAL ECONOMIC BENEFITS FOR CLASSIFICATIONS 0555 CEO, 0583 ASSISTANT CLERK OF COURT, 0584 ASSISTANT EXECUTIVE OFFICER, 0585 ASSISTANT EXECUTIVE OFFICER, 0588 COURT COORDINATOR,

0590 COURT ASSISTANT SENIOR, 0592 PAYROLL/PERSONNEL DIRECTOR, 0622 DEPUTY JURY COMMISSIONER, 0634 MANAGER OF COURT OPERATIONS, 0636 DIVISION CHIEF, 0640 DIRECTOR OF FCS, 0646 ASSISTANT DIRECTOR OF PROBATE, 0647 DIRECTOR OF PROBATE, 0650 TRAFFIC HEARING OFFICER, 0657 MENTAL HEALTH COORDINATOR, 0677 JUDICIAL SECRETARY COORDINATOR, AND 0821 COMPUTER COORDINATOR

A. **ADMINISTRATIVE LEAVE**

1. Covered employees in classifications 0555 CEO, 0583 Assistant Clerk of Court, 0584 Assistant Executive Officer, and 0585 Assistant Executive Officer are required to work the hours necessary to perform the job duties of their position which often exceed forty hours per pay period. In light of this work requirement, each full-time employee in these classifications shall receive five (5) days of administrative leave on an annual basis. Administrative leave for these employees may not be carried over into subsequent years and cannot be cashed out.

2 Covered employees in the remaining classifications covered by this section shall receive administrative leave for hours worked in excess of forty (40) hours per week. Administrative leave shall be earned on a straight time basis. In no case will covered employees be allowed to accrue more than eighty (80) hours of administrative leave even if their duties require them to work in excess of eighty (80) hours more than the normal work schedule.

3. For purposes of this provision, Court holidays provided for in

the Government Code shall be considered time worked.

B. **FLEXIBLE BENEFIT PACKAGE - PROSPECTIVE**

The City will contribute $75 per month for the period July 1, 1996 to September 30, 1996 and $150 per month effective October 1, 1996 toward a flexible benefit package for covered employees included in this section, which shall include elements similar to those offered to managers and supervisors in City employment.

C. **RETIREMENT CONTRIBUTION**

The City shall pick up the employee contribution to Retirement for employees in classifications covered by this section as follows:

For the period July 1, 1996 through December 31, 1996, the City will contribute to the appropriate pension plan:

- 4.0% of pension covered gross salary for all old and new plan full rate SFERS members;

- 1.3% of pension covered gross salary for new plan reduced rate SFERS members.

- 1.8% of pension covered gross salary for old plan reduced members.

For the period of January 1, 1997 through June 30, 1997, the City will contribute to the appropriate pension plan:

- 5.0% of pension covered gross salary for new and old plan full rate members;

- 1.3% of pension covered gross salary for new plan reduced rate SFERS members;

- 1.8% of pension covered gross salary for old plan reduced members.

Effective dates shall be the beginning of the pay period closest to, but not preceding, the dates listed.

All employees covered by this section who are enrolled, or shall enroll, at the minimum requirement contribution level will receive an amount equal to the pick-up they would have received pursuant to this agreement had they been enrolled at the full contribution level on at least a semi-annual basis.

The aforesaid contributions shall not be considered as a part of an employee's compensation for the purpose of computing earnings or retirement benefits, nor shall such contributions be taken into account in determining the level of any other benefit which is a function of or percentage of salary. The City reserves the right to take said contributions into account for the purpose of salary comparisons with other employers.

X. Certification. The following hereby certify that a majority of the body over which they each preside has approved the terms of the above ordinance.

Stuart B. Pollak
Presiding Judge
San Francisco Superior Court

Kevin F. Shelley, President
Board of Supervisors
City and County of San Francisco

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

Deputy City Attorney

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cc

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
July 1, 1996	§	July 8, 1996
	§	
	§	
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki	§	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Teng Yaki
	§	
Absent: Supervisor Teng	§	Absent: Supervisor Katz

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 106-96-2

JUL 12 1996

Date Approved

Mayor

Amendment of the Whole
June 25, 1996.

FILE NO. 106-96-3 ORDINANCE NO. 289-96

SETTING SCHEDULES OF COMPENSATION AND OTHER ECONOMIC BENEFITS FOR FISCAL YEAR 1996-1997 FOR CERTAIN CLASSIFICATIONS OF PERSONS EMPLOYED BY THE MUNICIPAL COURT FOR THE CITY AND COUNTY OF SAN FRANCISCO.

Be it ordained by the People of the City and County of San Francisco:

I. This ordinance, which has been approved by a majority of the judges of the Municipal Court pursuant to Government Code section 74504.5(b), establishes the rates of compensation and additional benefits for certain classifications of Municipal Court employees. The classifications covered by this ordinance are enumerated in Appendix 1 attached hereto.

II. The schedule of compensation and the additional benefits authorized herein shall be effective July 1, 1996 unless otherwise specified in this ordinance.

III. For purposes of this ordinance, the term "covered employee" shall mean those classifications of employees enumerated in Appendix 1. The term "Court" shall mean the Municipal Court for the City and County of San Francisco.

IV. Compensation and Additional Economic Benefits for Covered Employees

A. PAYROLL PROCEDURES

1. Overtime and Holiday Pay. All holiday and overtime paychecks shall be distributed as part of the regular pay warrants for the period in which the overtime was earned.

2. Recovery of Overpayment. The schedule of recovery of any overpayment shall be made by mutual agreement between the City and the employee. In the absence of a mutual agreement, the City will recover no more than 20% of the total amount in any one biweekly paycheck.

B. STATE UNEMPLOYMENT AND DISABILITY INSURANCE

1. Upon a vote by one half or more of the members of a covered classification that the members desire to be enrolled in the State Disability Insurance Program, the Board of Supervisors shall immediately take any and all necessary action to enroll all such employees therein. The members of the classification shall certify to the Employee Relations Director that they desire to be enrolled for SDI no later than forty-five (45) days prior to SDI's quarterly enrollment dates and the Board shall take necessary action to enroll such employees in time for the next SDI enrollment date.

2. An employee entitled to SDI shall receive in addition thereto such portion of his/her accumulated sick leave with pay as will equal, but not exceed, the regular biweekly "take home" earnings of the employee, excluding optional deductions. Such supplementary payments shall continue for the duration of the employee's illness or disability or until sick leave with pay credited to the employee is exhausted, whichever occurs first.

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At an employee's option, an employee's accrued vacation, holiday, and compensatory time off can also be integrated with SDI payments in the same manner as sick leave.

C. REIMBURSEMENT OF WORK-RELATED EXPENSES

1. Mileage.

a. The Clerk-Administrator may request employees to use their own vehicle for Court business. Employees using their own vehicle for Court business shall be reimbursed for expenses incurred at the rate of twenty-five cents ($.25) per mile and for all necessary parking and toll expenses.

b. The above mileage rate shall be increased each calendar year by one cent per mile for each ten cents increase in the average cost of gasoline and defined for "gasoline all types" per gallon in the Energy Report published by the Bureau of Labor Statistics, U.S. Department of Labor. The base period against which increases shall be measured shall be the average price per gallon established for July 1, 1982. Said rate shall be fixed by the Controller within two weeks of receipt of the above report.

2. Damaged or Stolen Property. Reimbursement for property damaged, destroyed or stolen in the line of duty shall be administered in accordance with guidelines established by the Controller.

An employee who qualifies for reimbursement of such damaged, destroyed or stolen property shall submit a claim to his/her

department head with all available documentation not later than thirty (30) calendar days after the date of such alleged occurrence. An employee shall be entitled to the appropriate reimbursement no later than one hundred-twenty (120) days following the submission of such claim. Reimbursement may be delayed if the employee does not submit the appropriate documentation.

3. Meals. Covered employee shall, subject to the procedures established by the Controller, be reimbursed for the reasonable and actual costs of meals upon presentation of receipts in the following circumstances:

a. When an employee is required by the Court to attend a meeting at which a meal is served and such meal is billed to the employee;

b. When an employee is traveling overnight out of the City on Court business.

D. WORK SCHEDULES

1. Part-time Work Schedules. A part-time work schedule is a tour of duty less than forty (40) hours per week.

Salaries for part-time services shall be calculated upon the compensation for normal work schedules proportionate to the hours actually worked.

2. Overtime for Non-exempt Employees. Overtime shall be paid in accordance with the Fair Labor Standards Act ("FLSA"). Employees not exempt from the FLSA who work or, who

are suffered to work overtime shall be paid in salary unless the individual employee requests compensatory time off in lieu of paid overtime. Compensatory time shall be earned at the rate of time and one-half (1-1/2). Class 0350 Court Reporters shall not be eligible for overtime or compensatory time.

3. Compensatory Time for Exempt Employees. FLSA-exempt employees are not eligible for overtime, but may accrue non-vested compensatory time. Compensatory time shall be accrued at the rate of time and one-half (1-1/2).

E. HOLIDAYS.

1. Floating Holidays. In addition to those days designated as Court holidays, covered employees other than Class 0350 Court Reporters shall receive five (5) additional holidays to be taken on days selected by the employee subject to the approval and sole discretion of the Court. Employees must complete six (6) months continuous service before receiving the additional days, except when a particular day has been determined to be a floating holiday for all of the employees in the Court; provided that all part-time employees who are not regularly scheduled, but are employed on an as needed, irregular intermittent or other irregular basis are ineligible for the additional days.

2. Holiday Compensation for Time Worked. Employees required by their respective appointing officers to work on any of the above-specified or substitute holidays,

excepting Fridays observed as holidays in lieu of holidays falling on Saturday, shall be paid extra compensation at the rate of time and one-half (1-1/2) the usual rate of pay for all regularly scheduled hours worked; provided, however, that at an employee's request and with the approval of the appointing officer, an employee may be granted compensatory time off in lieu of paid overtime at the rate of time and one-half (1-1/2).

Ten (10) and twelve (12) hour employees shall receive full holiday compensation for the regularly scheduled shift worked on a holiday.

No FLSA-exempt employee shall receive overtime pay for working on a holiday. All such overtime shall be compensated in the form of compensatory time accrued.

3. Holiday Pay for Employees Laid Off. An employee who is laid off at the close of business the day before a holiday who has worked not less than five (5) previous consecutive workdays shall be paid for the holiday.

4. Employees Not Eligible for Holiday Compensation. Persons employed for holiday work only, or persons employed on a part-time work schedule which is less than twenty (20) hours in a biweekly pay period, or persons employed on an intermittent part-time work schedule (not regularly scheduled), or persons on leave without pay status both immediately preceding and immediately following the legal holiday shall not receive holiday pay.

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5. Part-time Employees Eligible for Holidays. Part-time employees who regularly work a minimum of twenty (20) hours in a biweekly pay period shall be entitled to holidays on a proportionate basis.

Regular full-time employees are entitled to 8/80 or 1/10 time off when a holiday falls in a biweekly pay period, therefore, part-time employees, as defined in the immediately preceding paragraph, shall receive a holiday based upon the ratio of 1/10 or the total hours regularly worked in a biweekly pay period. Holiday time off shall be determined by calculating 1/10 of the hours worked by the part-time employee in the biweekly pay period immediately preceding the pay period in which the holiday falls. The computation of holiday time off shall be rounded to the nearest hour.

The proportionate amount of holiday time off shall be taken in the same fiscal year in which the holiday falls. Holiday time off shall be taken at a time mutually agreeable to the employee and the appointing officer.

F. LAY OFF ADJUSTMENT. An employee who is (1) "laid off," (2) is immediately and continuously employed in another classification with the Court, and (3) is thereafter reemployed in his/her original position without a break in service, shall, for the purposes of determining salary increments, receive credit for time served while laid off from his/her original appointment.

G. GENERAL WAGE INCREASE. All employees covered by this ordinance except for Classes 0243, 0244, 0246, 0248, 0260, 0350 and 0360, shall receive a 2.0% wage increase effective July 1, 1996 in accordance with the salary schedule attached as Appendix 1, and an additional 1.5% wage increase effective January 1, 1997. The effective dates shall be the beginning of the pay periods closest to, but not preceding, July 1, 1996 and January 1, 1997, respectively.

Those employees in Classes 0243, 0244, 0246 and 0248 shall receive a 1.0% wage increase effective August 24, 1996 and an additional 1.5% wage increase effective December 28, 1996. The effective dates shall be the beginning of the pay periods closest to, but not preceding, August 24, 1996 and December 28, 1996, respectively.

Those employees in Classes 0260 and 0360 shall receive a 2.5% wage increase effective July 1, 1996. The effective date shall be the beginning of the pay period closest to, but not preceding, July 1, 1996.

1. LONGEVITY INCREASE. Effective July 1, 1996, all employees covered by this ordinance, except for Classes 0243, 0244, 0246, 0248, 0260, 0350 and 0360, who have completed 10 years of service with the court and/or for the City and County of San Francisco, shall be granted an additional thirty (30) cents per hour longevity increase.

H. HEALTH PLAN. Health and Dental Benefits.

1. Maintenance of Benefits: The current benefits level shall be maintained for the duration of FY 1996-97.

2. City Contribution: The City shall contribute and continue to contribute a monthly amount towards Court employee health benefits for each covered employee in accordance with Charter Appendix Section A8.423.

3. Dependant Care Health Benefits: Except for Classes 0243, 0244, 0246, 0248, 0260 and 0360, effective July 1, 1996, and continuing for the duration of FY 1996-97, the City shall pay $225.00 per month toward dependant health care benefits for covered employees.

4. Dental Benefits. The City shall continue to contribute a monthly amount per covered employee sufficient to continue the family dental coverage provided in FY 1993-94.

I. FINGERPRINTING. The City shall bear the full cost of fingerprinting whenever such is required of the employee.

J. RETIREMENT PICKUP. All employees covered by this ordinance, except for Classes 0243, 0244, 0246, 0248, 0260, 0350 and 0360, effective January 1, 1997, the City shall contribute to the appropriate pension plan:

-7.0% of pension covered gross salary for old and new SFERS members.

For those employees in Classes 0260 and 0360, effective January 1, 1997, the City shall contribute to the appropriate

pension plan:

-7.5% of pension covered gross salary for old and new SFERS members.

The effective date shall be the beginning of the pay period closest to, but not preceding, January 1, 1997.

Effective January 1, 1997, each employee covered by this section shall be placed into full retirement contribution status which shall be irrevocable.

The aforesaid contributions shall not be considered as a part of an employee's compensation for the purpose of computing straight time earnings, compensation for overtime worked, premium pay, or retirement benefits; nor shall such contributions be taken into account in determining the level of any other benefit which is a function of or percentage of salary. The City reserves the right to take said contributions into account for the propose of salary comparisons with other employers.

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CERTIFICATION: The following hereby certify that a majority of the body over which they each preside has approved the terms of the above ordinance.

Tomar Mason, Presiding Judge
Municipal Court, San Francisco

APPROVED AS TO FORM

LOUISE H. RENNE
City Attorney

Deputy City Attorney

Municipal Court

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 1, 1996	July 8, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Teng Yaki
Absent: Supervisor Teng	Absent: Supervisor Katz

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
106-96-3

JUL 12 1996
Date Approved

Mayor

AMENDMENT OF THE WHOLE

May 8, 1996.

FILE NO. 127-96-3

ORDINANCE NO. 290-96

[Transient Occupancy Surcharge]

AMENDING PART III, ARTICLE 7 (TAX ON TRANSIENT OCCUPANCY OF HOTEL ROOMS), OF THE SAN FRANCISCO MUNICIPAL CODE BY ADDING SECTION 502.6-1 THERETO TO INCREASE THE CURRENT TOTAL TRANSIENT OCCUPANCY SURCHARGE BY TWO PERCENT, AND BY ADDING SECTION 502.8-1 THERETO TO IMPOSE AN ADDITIONAL TWO PERCENT TRANSIENT OCCUPANCY SURCHARGE IN CERTAIN REDEVELOPMENT PROJECT AREAS, BOTH SECTIONS TO BE EFFECTIVE ON AUGUST 1, 1996.

NOTE: Additions are underlined; deletions are in ((double parentheses)).

BE IT ORDAINED BY THE PEOPLE OF THE CITY AND COUNTY OF SAN FRANCISCO:

Section 1. Article 7 of Part III of the San Francisco Municipal Code is hereby amended by adding the following Section 502.6-1 thereto as follows:

SEC. 502.6-1. IMPOSITION OF A CUMULATIVE SURCHARGE.

(a) Replacement of Section 502.5 and Section 502.6. Commencing on August 1, 1996, Section 502.5 and Section 502.6 are hereby suspended and replaced in their entirety by this new Section 502.6-1. The purpose of this new Section is to combine the surcharges levied by Sections 502.5 and 502.6 and to increase the total surcharge levied by the City and County by two percent. In the event any portion of the transient occupancy tax levied by the City pursuant to Section 502.6-1 hereof is found to be invalid, illegal or unconstitutional, the suspension of Sections 502.5 and

502.6 shall be rescinded by operation of law and the taxes and surcharges levied under such Sections shall be deemed to have been in full force and effect during the period the City collected the taxes under the authority of this Section.

(b) Imposition of Surcharge. Effective August 1, 1996, there shall be a surcharge of six percent, in addition to the eight percent tax specified in Section 502, on the rent for every occupancy of the guest room in a hotel in the City and County of San Francisco. The surcharge so collected shall be deposited in the General Fund subject to appropriation pursuant to the budget and fiscal provisions of the Charter.

(c) Prorata Allocation of Surcharge. When rent is paid, charged, billed or falls due on either a weekly, monthly or other term basis, the rent so paid, charged, billed or falling due shall be subject to a surcharge of four percent to the extent that it covers any portion of the period prior to August 1, 1996, and a six percent surcharge to the extent that it covers any portion of the period on or after August 1, 1996, and such payment, charge, bill or rent due shall be apportioned on the basis of the ratio of the number of days falling within said periods to the total number of days covered by such payment. Where any surcharge has been paid hereunder upon any rent without any right of occupancy therefor, the Tax Collector may by regulation provide for credit or refund of the amount to such tax upon application therefor as provided in Section 514(f) of this Article.

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(d) **Suspension of Surcharge pursuant to Section 502.7.** The provisions of this Section 502.6-1 shall be subject to Section 502.7, including the temporary suspension provided therein.

Section 2. Article 7 of Part III of the San Francisco Municipal Code is hereby amended by adding Section 502.8-1, which reads as follows:

SEC. 502.8-1. IMPOSITION OF ADDITIONAL SURCHARGE IN CERTAIN REDEVELOPMENT PROJECT AREAS.

(a) **Imposition of Surcharge.** Effective August 1, 1996, there shall be a surcharge of two percent, in addition to the twelve percent tax specified in Section 502.8, on the rent for every occupancy of the guest rooms in a hotel located within the boundaries of a SFRA Project Area (as such area is defined in Section 502.7). The surcharge so collected shall be deposited in the General Fund subject to appropriation pursuant to the budget and fiscal provisions of the Charter.

(b) **Prorata Allocation of Tax and Surcharge.** When rent is paid, charged, billed or falls due on either a weekly, monthly or other term basis, the rent so paid, charged, billed or falling due shall be subject to a tax of twelve percent to the extent that it covers any portion of the period prior to August 1, 1996, and to the tax of twelve percent plus the two percent surcharge herein imposed to the extent that it covers any portion of the period on or after August 1, 1996, and such payment, charge, bill or rent due shall be apportioned on the basis of the ratio of the number of

days falling within said periods to the total number of days covered by such payment. Where any surcharge has been paid hereunder upon any rent without any right of occupancy therefor, the Tax Collector may by regulation provide for credit or refund of the amount to such tax upon application therefor as provided in Section 514(f) of this Article.

(c) **No Credit for Transient Occupancy Taxes Paid to the San Francisco Redevelopment Agency.** The credit in Section 502.8(c) for a transient occupancy tax levied by and paid to the San Francisco Redevelopment Agency shall not be applicable to the surcharge levied pursuant this Section.

(d) **Limitations of Effectiveness.** Section 502.8-1 shall be of no further force or effect on and after December 31, 2027 or, in the event of a default on the agency bonds (as defined in Section 502.8 above), on the date that such bonds are discharged.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: _____
VICTOR L. CASTILLO
Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
July 1, 1996	$	July 8, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano	$	Ayes: Supervisors Alioto Ammiano
Bierman Brown Katz Kaufman Leal	$	Bierman Brown Hsieh Katz Kaufman
Shelley Yaki	$	Leal Shelley Teng Yaki
	$	
Absent: Supervisor Hsieh Teng	$	

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
127-96-3

JUL 12 1996

Date Approved

Mayor

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JUL 25 1996

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FILE NO. 172-96-18 ORDINANCE NO. 291-96

(Medical Services Contract)

AUTHORIZING THE DIRECTOR OF PUBLIC HEALTH TO EXECUTE AN AGREEMENT WITH THE SAN FRANCISCO HEALTH PLAN FOR THE DEPARTMENT OF PUBLIC HEALTH TO PROVIDE SERVICES TO SAN FRANCISCO HEALTH PLAN MEMBERS, WHICH AGREEMENT INCLUDES BINDING ARBITRATION AND HOLD HARMLESS CLAUSES

Be it ordained by the People of the City and County of San Francisco:

The Director of Public Health is hereby authorized to execute an agreement with the San Francisco Health Plan for the provision of medical services by the Department of Public Health to San Francisco Health Plan Medi-Cal Managed Care members. As part of that agreement, the Director may (1) hold harmless the San Francisco Health Plan and its members from all emergency and pre-approved charges, costs, and expenses rendered to San Francisco Health Plan members by other hospitals or healthcare providers, and (2) agree to a binding arbitration clause that requires all disputes arising under the contract to be resolved through binding arbitration

Approved as to form:
LOUISE H. RENNE
City Attorney

By [signature]

Recommended:
SANDRA R. HERNANDEZ
Director of Public Health

[signature] MD

HEALTH COMMISSION

By: [signature]
Sandy Ouye Mori

DEPARTMENT OF PUBLIC HEALTH

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 1, 1996	July 8, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Teng Yaki
Absent: Supervisor Teng	Absent: Supervisor Katz

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

[signature]
Clerk

File No.
172-96-18

JUL 12 1996
Date Approved

[signature]
Mayor

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JUL 25 1996

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FILE NO. 172-96-19 ORDINANCE NO. 292-96

(Medical Services Contract)

AUTHORIZING THE DIRECTOR OF PUBLIC HEALTH TO EXECUTE AN AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF CORRECTIONS FOR THE DEPARTMENT OF PUBLIC HEALTH TO PROVIDE SERVICES TO INMATES AT THE ELIZABETH FRYE CENTER, WHICH AGREEMENT INCLUDES BINDING ARBITRATION AND INDEMNIFICATION CLAUSES.

Be it ordained by the People of the City and County of San Francisco:

The Director of Public Health is hereby authorized to execute an agreement with the California Department of Corrections for the provision of medical services by the Department of Public Health to inmates at the Elizabeth Frye Center. As part of that agreement, the Director may (1) indemnify the California Department of Corrections from any claim for liability arising out of breach of contract, acts or ommissions in regard to the provisions of such medical services, and workers' compensation claims and (2) agree to a binding arbitration clause that requires all dispute arising under the contract to be resolved through binding arbitration.

Approved as to form
LOUISE H. RENNE
City Attorney
By _____

Recommended:
SANDRA R. HERNANDEZ
Director of Public Health
_____

HEALTH COMMISSION
By _____
Sandy Ouye Mori

DEPARTMENT OF PUBLIC HEALTH

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 1, 1996	July 8, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Kaufman Leal Shelley Teng Yaki
Absent: Supervisor Teng	Absent: Supervisor Katz

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No.
172-96-19

JUL 12 1996
Date Approved

_____
Mayor

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JUL 25 1996

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7/2/96 - As amended in Committee.

FILE NO. 97-95-34 As amended in Board 7/8/96 ORDINANCE NO. 293-96

[Telecommunications Commission]

AMENDING THE SAN FRANCISCO ADMINISTRATIVE CODE BY ADDING ARTICLE III, INCLUDING SECTIONS 11.50, 11.51, 11.52, 11.53, 11.54, AND 11.55, TO CHAPTER 11 TO CREATE A DEPARTMENT OF TELECOMMUNICATIONS AND INFORMATION SERVICES, A TELECOMMUNICATIONS COMMISSION, AND A TELECOMMUNICATIONS PLAN AND ADDING SECTIONS 11.45 AND 11.46 TO TRANSFER CERTAIN FUNCTIONS REGARDING CABLE TELEVISION FRANCHISES FROM THE CHIEF ADMINISTRATIVE OFFICER TO THE DEPARTMENT OF TELECOMMUNICATIONS AND INFORMATION SERVICES AND TO LIMIT THE DURATION OF NEW CABLE TELEVISION FRANCHISES TO TEN YEARS.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Chapter 11 of the San Francisco Administrative Code is hereby amended by adding Article III thereto to read as follows:

NOTE: This entire Section is new.

CHAPTER 11

ARTICLE III

DEPARTMENT OF TELECOMMUNICATIONS AND INFORMATION SERVICES / TELECOMMUNICATIONS COMMISSION

Sec. 11.50 Findings
Sec. 11.51 Definitions.
Sec. 11.52 Establishment of Department; Powers & Duties.
Sec. 11.53 Establishment of Commission.
Sec. 11.54 Commission Powers and Duties.
Sec. 11.55 Commission Meetings.

SEC. 11.50. FINDINGS AND PURPOSE. (a) Technological innovations are making a variety of new audio, video and data transfer telecommunications technologies available. Many existing and new telecommunications systems require the placement of facilities under, on, and over the City streets and on both private and public structures to provide telecommunications services to subscribers and users. Substantial public concern has been raised as to the appropriateness of the City's approval process for these requests. The increased number of telecommunications suppliers seeking to locate these facilities in the streets increases burdens on the physical infrastructure of the streets, as well as increasing the administrative work load of various City agencies in evaluating the impact of these facilities. In order to manage these increased burdens, the City must expand its planning for the use of the streets, foster public-private cooperation, ensure that the public receives fair compensation for ongoing and comprehensive use of public property by private entities, and ensure that the City's regulations regarding the use of the streets are adequate to protect the health, safety and welfare of City residents and that administrative costs are covered.

(b) Within the limits of preemptive federal and/or state law, the City should do everything possible to promote open and fair competition among telecommunications providers within the City; to ensure that new telecommunications services are made available to San Francisco residents and businesses on a fair and nondiscriminatory basis; to ensure that the principle of universal

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access to telecommunications services is upheld within the City; to ensure that public, educational and municipal access to video programming channels is preserved; to promote the safe and efficient use of the streets by telecommunications providers; to ensure that new telecommunications technologies do not interfere with the City's emergency communications systems; to ensure that the public receives fair compensation for the use of the public rights-of-way and the costs of approving and, if necessary, monitoring, the various devices sought to be installed by telecommunications providers; and to ensure that the City itself has access to telecommunications services which improve public safety, public access to government and the efficient delivery of public information and services.

(c) In light of the developments and circumstances described above, the Board finds it necessary and appropriate to promote the public health, safety and general welfare by creating a Department of Telecommunications and Information Services and to create a Telecommunications Commission.

SEC. 11.51. DEFINITIONS.

(a) "Article" means Article III of Chapter 11 of the San Francisco Administrative Code.

(b) "Board" means the San Francisco Board of Supervisors.

(c) "Charter" means the Charter of the City and County of San Francisco.

(d) "City" means the City and County of San Francisco.

(e) "Commission" means the Telecommunications Commission created by this Article.

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(f) "Department" means the Department of Telecommunications and Information Services created by this Article.

(g) ~~(f)~~ "Telecommunications" means the one or two way transmission of messages, information, and/or programming by electronic means, including the provision of facilities for the generation, transmission, switching, signaling, control and/or reception of messages, information and/or programming; provided however that "telecommunications" shall not mean broadcasting as defined in 47 U.S.C. §153(o).

SEC. 11.52. ESTABLISHMENT OF DEPARTMENT; POWERS AND DUTIES.

(a) There is hereby created a Department of Telecommunications and Information Services within the executive branch which shall consist of a Director and such officers and employees as are authorized pursuant to the budgetary and fiscal provisions of the Charter. The Director shall serve as appointing officer for the Department.

(b) The Department shall assume responsibility for: (i) all functions previously performed by the Department of Electricity and Telecommunications, including all functions assigned by Chapters 22 and 22B of the Administrative Code; (ii) all functions previously performed by the Information Services Division of the Controller's office; (iii) all functions previously assigned to the Chief Administrative Officer pursuant to Article II of Chapter 11 of the Administrative Code; (iv) negotiating and recommending to the Board cable television franchises; ~~(iv)~~ providing staff support to the Telecommunications Commission; (v) and ~~(v)~~ (vi) all additional functions assigned by the Mayor pursuant to Section 4.132 of the Charter.

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SEC. 11.53. ESTABLISHMENT OF COMMISSION.

(a) Establishment of Commission. A Telecommunications Commission for the City and County of San Francisco is hereby created consisting of five voting members.

(b) Appointment of Commissioners. Commission members shall be appointed by the Mayor, subject to approval or rejection by Resolution of the Board. Members may be removed by the Mayor. No

7/2/96 jlb person shall be eligible to serve as a member who is a telecommunications provider or is employed by a Telecommunications Provider within the City that may have business before the Commission.

(c) Composition of Commission. Appointments, qualifications and composition of the Commission shall be consistent with the requirements of Section 4.101 of the Charter. At least one member of the Commission shall be drawn from among people with expertise in fields related to the Commission's work, including, but not limited to telecommunications management and telecommunications engineering. At least one member of the Commission shall represent the public, educational and government access to telecommunications and information services technologies. At least two members shall represent the interests of consumers and the general public.

(d) Terms of Office. The Mayor shall designate one member who is first appointed to serve a term of one year, two of the members

7/2/96 jlb who are first appointed to serve for terms of two years and ~~three~~ two of the members who are fist appointed to serve for terms of three years. Thereafter, members shall serve for terms of three years. At its first meeting, and annually thereafter, the Commission shall elect a

chair from among its members for a term of one year.

(e) Resignation by Operation of Law/Removal of Commissioners. Any member whom the Commission certifies to have missed three regularly scheduled meetings of the Commission in any 12-month period without prior authorization of the Commission shall be deemed to have resigned from the Commission effective on the date of the written certification from the Commission.

(f) Compensation. Members shall receive $25 for each meeting of the Commission actually attended; provided, however, that no member shall be paid for attending more than three Commission meetings in any one calendar month.

SEC. 11.54. COMMISSION POWERS AND DUTIES.

The Commission's powers and duties shall include:

(a) Advising the Director of the Department of Telecommunications and Information Services in all matters related to the discharge of his or her duties.

(b) Monitoring and advising the Mayor, the Board of Supervisors and other City departments about advances in the field of telecommunications and the impact of such advances on the City.

(c) Establishing policies regarding the use and occupation of the public rights-of-way for installation of telecommunications facilities.

(d) Within the limits of preemptive federal and/or state law, and consistent with Section 4.104 of the Charter, adopting rules and procedures governing (1) regulation of rates for the basic cable television service tier; (2) customer service by cable television

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operators; (3) the use and operation of the cable television public, educational or governmental access channels; and (4) any additional rules and regulations necessary for the conduct of its business.

(e) Issuing orders to adjust, settle or compromise any controversy between any cable operator, as defined in 47 U.S.C. §522 or any successor statute, and any subscriber regarding the subscriber's bill, signal, services, or any other matter within the City's jurisdiction.

(f) In addition to the functions prescribed in (a) through(e) above, the Commission shall evaluate City policies and procedures affecting the provision of telecommunications services and the installation of telecommunications facilities within the City and develop a City Telecommunications Plan. The Telecommunications Plan should propose City policies and procedures to guide the installation of telecommunications facilities in the City. These policies should facilitate the deployment of new technologies within the City, maximize the availability of telecommunications services to City residents, businesses and departments, preserve City property and resources, and protect the health, safety and welfare of City residents. The Telecommunications Plan should be developed with maximum public participation including residents, independent experts, Telecommunications Providers and City departments. The Plan shall be submitted to the Mayor and the Board for adoption as the City's Telecommunications Plan within 18 months of the effective date of this ordinance. It shall be updated, after public participation and hearings, and if necessary, amended, every 24 months.

'8/96
rt

SEC. 11.55. COMMISSION MEETINGS. The Commission shall meet at least once each month. The Directors of the Departments of Public Works, City Planning and Public Health, or their designees, shall attend Commission meetings and shall fully cooperate with the Commission and the Department in fulfilling the provisions and purposes of this Article.

Section 2. Sections 11.45 and 11.46 of the San Francisco Administrative Code are hereby added to read as follows:

SEC. 11.45. TRANSFER OF FUNCTIONS. Notwithstanding any other provision of this Article II of Chapter 11, all authority, power, and duties assigned to the Chief Administrative Officer by this Article are hereby transferred to the Director of the Department of Telecommunications and Information Services.

SEC. 11.46. LIMITATION ON FRANCHISE TERM. Notwithstanding any other provision of this Article II of Chapter 11, no franchise granted pursuant to this Article shall extend for a term longer than ten years from the date of its acceptance by the grantee.

APPROVED AS TO FORM:
LOUISE H. RENNE, City Attorney

By: [signature]
Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
July 8, 1996	$	July 15, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano	$	Ayes: Supervisors Alioto Ammiano
Bierman Brown Hsieh Katz Kaufman	$	Bierman Brown Hsieh Katz Kaufman
Leal Shelley Teng Yaki	$	Teng Yaki
	$	
	$	Absent: Supervisors Leal Shelley

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
97-95-34

JUL 17 1996
Date Approved

Mayor

DOCUMENTS DEPT.

AUG 15 1996

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FILE NO. 65-96-9 ORDINANCE NO. 294-96

[Bay Area Cellular Telephone Company Transmitter Lease]

AUTHORIZING AND APPROVING A LEASE OF CELLULAR TRANSMITTER SPACE IN FIRE DEPARTMENT HEADQUARTERS TO BAY AREA CELLULAR TELEPHONE COMPANY.

Be it Ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Board of Supervisors hereby adopts the following findings regarding a proposed lease of cellular transmitter space within the Fire Department Headquarters, 260 Golden Gate Avenue (the "Headquarters"), owned by the City and County of San Francisco (the "City"), operated by the Fire Department on behalf of the City: (a) the Director of Property has negotiated a form of lease agreement (the "Lease") with Bay Area Cellular Telephone Company (BACTC) for the lease of the Premises for a monthly rental of $1,500.00 for a term of five years, with two options to extend the term for five years each; (b) there is an annual rent increase based upon the Consumer Price Index; (c) the Lease also provides that the cost of all tenant improvements to the Premises will be borne by BACTC, (d) BACTC will pay all electric utility costs, (e) BACTC has received a building permit to place a transmitter and antenna at the Fire Department Headquarters, (f) a form of the Lease is on file with the Clerk of the Board of Supervisors.

Section 2. The Board of Supervisors hereby finds that it is in the best interests of the City to enter into the Lease based on direct negotiations with BACTC without a competitive bid process. Competitive bidding in this situation would be impracticable or impossible.

Section 3. The Mayor or his designee is hereby authorized to execute, and the Clerk of the Board of Supervisors is hereby authorized to attest and affix the seal of the City thereon, the Lease on behalf of the City and County of San Francisco on file with the Clerk of the Board of Supervisors.

Section 4. All actions authorized by this ordinance and heretofore taken by any City official in connection with the Lease are hereby ratified, approved and confirmed by this Board of Supervisors.

RECOMMENDED:

for Frank Scalef
Chief, Fire Department

Director of Property

APPROVED AS TO FORM:
Louise H. Renne, City Attorney

By: _____
Deputy City Attorney

LJ:ewAFDBACTC.LEG

(REAL ESTATE)

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AUG 15 1996

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Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
July 8, 1996	$	July 15, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano Brown Hsieh Katz Kaufman Leal Shelley Teng Yaki	$	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Teng Yaki
	$	
Noes: Supervisor Bierman	$	
	$	
	$	Absent: Supervisors Leal Shelley

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John Taylor
Clerk

File No.
65-96-9

JUL 17 1996
Date Approved

Mayor

FILE NO. 121-96-8.1 ORDINANCE NO. 295-96

[Home Delivery Services]

AMENDING ARTICLE 33 OF THE SAN FRANCISCO MUNICIPAL CODE (POLICE CODE) BY AMENDING 3305.1 THEREOF, RELATING TO HOME DELIVERY SERVICES.

Note: Additions and substitutions are indicated by underlining; deletions are indicated by ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Article 33 of the San Francisco Municipal Code (Police Code) is hereby amended, by amending Section 3305.1 to read as follows:

7/11/96 rt

SEC. 3305.1. HOME DELIVERY SERVICES.

(a) It shall be unlawful for any person or business entity to refuse to provide home delivery services to any residential address within the City and County of San Francisco falling within that person's or business entity's normal service range. A person or business entity may not set its normal service range to exclude a neighborhood or location based upon the race, religion, color, ancestry, age, sex, sexual orientation, gender identity, disability, or place of birth of the residents of that neighborhood or location. Where a person or business entity regularly advertises home delivery services to the entire City and County, that person or business entity's "normal service range" shall be defined by the geographic boundaries of the City and County.

(b) For purposes of this section, "home delivery services" shall mean the delivery of merchandise to residential addresses, when such services are regularly advertised or provided by any person or business entity.

(((c) For purposes of this section, a person's or business entity's "normal service range" shall be defined as a circular geographic area, with its center at the location from which the delivery service is provided, and with a radius defined by an

imaginary line drawn between the center and the most distant point to which the person or business entity provides home delivery services. Where a person or business entity regularly advertises or provides home delivery services to the entire City and County, that person or business entity's "normal service range" shall be defined by the geographic boundaries of the City and County.))

(c) (((d))) Notwithstanding any other provision of this section, it shall not be unlawful for a person or business entity to refuse to provide home delivery services to a residential address if (i) the occupants at that address have previously (((i))) refused to pay in full for services provided to them by that person or business entity; or (ii) such refusal is necessary for the employer to comply with any applicable state or federal occupational safety and health requirements or existing union contract; or (iii) the person or business has a reasonable good faith belief that providing delivery services to that address would expose delivery personnel to an unreasonable risk of harm. ((threatened or inflicted violence upon delivery personnel used by that person or business entity.))

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: JONATHAN V. HOLTZMAN
Deputy City Attorney

(07/01/96)

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AUG 15 1996

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cc

Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
July 8, 1996	$	July 15, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano	$	Ayes: Supervisors Alioto Ammiano
Bierman Brown Hsieh Katz Kaufman	$	Bierman Brown Hsieh Katz Kaufman
Leal Shelley Teng Yaki	$	Teng Yaki
	$	
	$	Absent: Supervisors Leal Shelley

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
121-96-8.1

JUL 17 1996
Date Approved

Mayor

AMENDMENT OF THE WHOLE
In Committee 7/10/96

FILE NO. 60-96-6

ORDINANCE NO. 296-96

[Special Election]

CALLING AND PROVIDING FOR A SPECIAL ELECTION TO BE HELD IN THE CITY AND COUNTY OF SAN FRANCISCO ON TUESDAY, NOVEMBER 5, 1996, FOR THE PURPOSE OF SUBMITTING TO THE VOTERS OF THE CITY AND COUNTY OF SAN FRANCISCO PROPOSITIONS TO INCUR THE FOLLOWING BONDED DEBTS OF THE CITY AND COUNTY: (1) $73,300,000 FOR THE ACQUISITION, CONSTRUCTION AND/OR RECONSTRUCTION OF A NEW MUSEUM FACILITY TO REPLACE THE DE YOUNG MUSEUM; AND (2) $100,000,000 FOR THE FINANCING OF THE LOW-INCOME HOUSING AND DOWN-PAYMENT ASSISTANCE TO LOW AND MODERATE FIRST-TIME HOMEBUYERS; AND THAT THE ESTIMATED COST OF SAID PROJECTS IS AND WILL BE TOO GREAT TO BE PAID OUT OF THE ORDINARY ANNUAL INCOME AND REVENUE OF THE CITY AND COUNTY AND WILL REQUIRE EXPENDITURES GREATER THAN THE AMOUNT ALLOWED THEREFOR BY THE ANNUAL TAX LEVY; RECITING THE ESTIMATED COSTS OF SUCH PROJECTS; FIXING THE DATE OF ELECTION AND THE MANNER OF HOLDING SUCH ELECTION AND THE PROCEDURE FOR VOTING FOR OR AGAINST THE PROPOSITIONS; FIXING THE MAXIMUM RATE OF INTEREST ON SAID BONDS AND PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY BOTH PRINCIPAL AND INTEREST THEREOF; PRESCRIBING NOTICE TO BE GIVEN OF SUCH ELECTION; CONSOLIDATING THE SPECIAL ELECTION WITH THE GENERAL ELECTION; AND PROVIDING THAT THE ELECTION PRECINCTS, VOTING PLACES AND OFFICERS FOR ELECTION SHALL BE THE SAME AS FOR SUCH GENERAL ELECTION.

Be it ordained by the People of the City and County of San Francisco:

///

Supervisors Shelley, Leal, Alioto, Yaki, Katz, Brown, Teng

Section 1. A special election is hereby called and ordered to be held in the City and County of San Francisco on Tuesday, the 5th day of November, 1996, for the purpose of submitting to the electors of the City and County propositions to incur bonded indebtedness of the City and County of San Francisco for the projects hereinafter described in the amounts and for the purposes stated:

"DE YOUNG MUSEUM REPLACEMENT BONDS, 1996, $73,300,000 for the acquisition, construction and/or reconstruction of a new museum facility to replace the De Young Museum and all other works, property and structures necessary or convenient for the foregoing purposes."

"AFFORDABLE HOUSING BONDS, 1996, $100,000,000 for the financing of (1) the development of housing affordable to low-income households in the City and County of San Francisco and (2) down-payment assistance to low and moderate income first-time homebuyers, and all other costs necessary or convenient for the foregoing purposes."

Section 2. The estimated costs of the projects described in Section 1 hereof were fixed by the Board of Supervisors by the following resolutions and in the amount specified below:

De Young Museum Replacement Bonds, Resolution No. 571-96, $73,300,000; and Affordable Housing Bonds, Resolution No. 570-96, $100,000,000.

///

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Said resolutions were passed by two-thirds or more of the Board of Supervisors and approved by the Mayor, and in each said resolution it was recited and found that the sum of money specified is too great to be paid out of the ordinary annual income and revenue of the City and County in addition to the other annual expenses thereof or other funds derived from taxes levied for those purposes and will require expenditures greater than the amount allowed therefor by the annual tax levy.

The method and manner of payment of the estimated costs described herein are by the issuance of bonds of the City and County of San Francisco not exceeding the principal amounts specified.

Said estimates of cost as set forth in said resolutions are hereby adopted and determined to be the estimated costs of said improvements and financing, respectively.

Section 3. The special election hereby called and ordered to be held shall be held and conducted and the votes thereat received and canvassed, and the returns thereof made and the results thereof ascertained, determined and declared as herein provided and in all particulars not herein recited said election shall be held according to the laws of the State of California and the Charter of the City and County of San Francisco providing for and governing elections in the City and County of San Francisco, and the polls for such election shall be and remain open during the time required by said laws.

Section 4. The special election hereby called shall be and hereby is consolidated with the General Election of the City and County of San Francisco to be held Tuesday, November 5, 1996, and the voting precincts, polling places and officers of election for such General Election are hereby adopted, established, designated and named, respectively, as the voting precincts, polling places and officers of election for such special election hereby called, and reference is hereby made to the notice of election setting forth the voting precincts, polling places and officers of election for the General Election by the Registrar of Voters to be published in the official newspaper of the City and County on the date required under the laws of the State of California.

Section 5. The ballots to be used at the special election shall be the ballots to be used at the General Election. On the ballots to be used at such special election and on the punch card ballots used at said special election, in addition to any other matter required by law to be printed thereon, shall appear thereon each of the following and appear upon the ballot each as a separate proposition:

"DE YOUNG MUSEUM REPLACEMENT BONDS, to incur $73,300,000 of bonded indebtedness for the acquisition, construction and/or reconstruction of a new museum facility to replace the De Young Museum and all other works, property and structures necessary or convenient for the foregoing purposes."

///

"AFFORDABLE HOUSING BONDS, to incur $100,000,000 of bonded indebtedness for the financing of (1) the development of housing affordable to low-income households and (2) down-payment assistance to low and moderate income first-time homebuyers, and all other costs necessary or convenient for the foregoing purposes."

Each voter to vote in favor of the issuance of the foregoing bond propositions shall punch the ballot card in the hole after the word "YES" to the right of the proposition, and to vote against the proposition shall punch the ballot card in the hole after the word "NO" to the right of the proposition. If and to the extent that a numerical system is used at said special election, each voter to vote in favor of the proposition shall punch the ballot card in the hole after the number corresponding to a "YES" vote for the proposition and to vote against the proposition shall punch the ballot card in the hole after the number corresponding to a "NO" vote for the proposition.

On absentee voter ballots, the voter to vote in favor of any of the propositions hereby submitted shall punch the absentee ballot card in the hole after the word "YES" to the right of the proposition, and to vote against the proposition shall punch the absentee ballot card in the hole after the word "NO" to the right of the proposition. If and to the extent that a numerical system is used at said special election, each voter to vote in favor of any of the propositions shall punch the absentee ballot card in the hole after the number corresponding to a "YES" vote in favor of the

proposition and to vote against the proposition shall punch the absentee ballot card in the hole after the number corresponding to a "NO" vote for the proposition.

Section 6. If at such special election it shall appear that two-thirds of all the voters voting on either such proposition voted in favor of and authorized the incurring of a bonded indebtedness for the purposes set forth in such proposition, then such proposition shall have been accepted by the electors, and bonds authorized thereby shall be issued upon the order of the Board of Supervisors. Such bonds shall bear interest at a rate not to exceed twelve percent (12%) per annum.

The votes cast for and against for each proposition shall be counted separately and when two-thirds of the qualified electors, voting on such proposition, vote in favor thereof, such proposition shall be deemed adopted.

Section 7. For the purpose of paying the principal and interest on the bonds, the Board of Supervisors shall, at the time of fixing the general tax levy and in the manner for such general tax levy provided, levy and collect annually each year until such bonds are paid, or until there is a sum in the Treasury of said City and County set apart for that purpose to meet all sums coming due for the principal and interest on the bonds, a tax sufficient to pay the annual interest on such bonds as the same becomes due and also such part of the principal thereof as shall become due before the proceeds of a tax levied at the time for making the next

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general tax levy can be made available for the payment of such principal.

Section 8. This ordinance shall be published once a day for at least seven (7) days in the official newspaper of the City and County and such publication shall constitute notice of the election and no other notice of the election hereby called need be given.

Section 9. The appropriate officers, employees, representatives and agents of the City and County of San Francisco are hereby authorized and directed to do everything necessary or desirable to the calling and holding of the special election, and to otherwise carry out the provisions of this ordinance.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: _____
VICTOR L. CASTILLO
Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	Finally Passed
July 15, 1996	July 22, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Teng Yaki	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Teng Yaki
Absent: Supervisors Leal Shelley	

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No.
60-96-6

7/22/96
Date Approved

_____
Mayor

File No. 101-96-2

ORDINANCE NO. 297-96

CITY AND COUNTY OF SAN FRANCISCO

CONSOLIDATED BUDGET

AND

ANNUAL APPROPRIATION ORDINANCE

AS PROPOSED BY THE BUDGET COMMITTEE

July, 1996

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ORIGINAL
When Stamped In Red

FILE NO. 102-96-2

ORDINANCE NO. 298-96

CITY AND COUNTY OF SAN FRANCISCO

not rec'd
as of 8/15/96

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ANNUAL SALARY ORDINANCE

1996-1997

FILE NO. 45-96-37 ORDINANCE NO. 299-96

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF **SHAFFER V. CITY AND COUNTY OF SAN FRANCISCO** AND THE CITY'S SALE OF ASSESSOR'S BLOCK 4093, LOT 92.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled Shaffer v. City and County of San Francisco, San Francisco Superior Court Action No. 881-639, by the sale of Assessor's Block 4093, Lot 92 ("the property") to plaintiffs David Shaffer et al. in the form of the option agreement in the Board of Supervisor's file on this matter. As consideration for the property, plaintiffs shall pay $1.00 to the City and waive all rights under the Judgment entered on January 7, 1993 in the above action against the City and waive all past and future claims that plaintiffs or their successors may have against the City for landslides from the City's Kansas Street right-of-way. The

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Director of Property is hereby authorized to quitclaim the City's interest in the property if and when plaintiffs exercise the option.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

ANDREW W. SCHWARTZ
Deputy City Attorney

RECOMMENDED:

DEPARTMENT OF PUBLIC WORKS

MARK PRIMEAU
Director

REAL ESTATE DEPARTMENT

ANTHONY J. DELUCCHI
Director of Property

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AUG 12 1996

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Board of Supervisors, San Francisco

Passed for Second Reading	$	Finally Passed
	$	
July 15, 1996	$	July 22, 1996
	$	
	$	
Ayes: Supervisors Alioto Ammiano	$	Ayes: Supervisors Alioto Ammiano
Bierman Brown Hsieh Katz Kaufman	$	Bierman Brown Hsieh Katz Kaufman
Teng Yaki	$	Leal Shelley Teng Yaki
	$	
Absent: Supervisors Leal Shelley	$	

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
45-96-37

JUL 25 1996
Date Approved

Mayor

FILE NO. 45-96-38 ORDINANCE NO. 300-96

RO#95231

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF SCOTT MAYNARD AGAINST THE CITY AND COUNTY OF SAN FRANCISCO for $262,500.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the action entitled Scott Maynard, et al., v. City and County of San Francisco, et al.,"United States District Court No. 95-04506 by the payment of $262,500.

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

SANDRA HERNANDEZ, M.D.
DEPARTMENT OF PUBLIC HEALTH

FUNDS AVAILABLE:

EDWARD M. HARRINGTON
Controller

IG-AGF-AAA 97-09-87
975015 05311 $262,500.00

JUN 19 1996

APPROVED:

SECRETARY
Public Health Commission

BOARD OF SUPERVISORS

CC

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
July 15, 1996	§	July 22, 1996
Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Teng Yaki	§	Ayes: Supervisors Alioto Ammiano Bierman Brown Hsieh Katz Kaufman Leal Shelley Teng Yaki
Absent: Supervisors Leal Shelley	§	

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-96-38

JUL 25 1996
Date Approved

Mayor

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